

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
KEVIN TAYLOR,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-10221-DPW
	)	
DAVID L. WINN, Warden,	)	
	)	
Respondent.	)	
_____	)	

**MEMORANDUM IN SUPPORT OF THE DEFENDANT'S  
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, David L. Winn, Warden for the Federal Medical Center Devens, Ayer, Massachusetts ("FMC Devens"), respectfully requests that this Court dismiss the above-captioned matter pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as the petitioner has failed to state a claim upon which relief can be granted.

**STATEMENT OF FACTS<sup>1</sup>**

The petitioner, Kevin Taylor, Register Number 03421-068, is a federal inmate currently incarcerated at the FMC Devens. See Document 1a, Admission-Release History, p. 1, attached to the Declaration of FMC Devens Paralegal Specialist Stephanie Scannell.<sup>2</sup> On June 28, 1989, the petitioner was sentenced in the

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<sup>1</sup> In accordance with the standard of review upon a motion to dismiss, the well-pleaded factual allegations of the petition are accepted as true for purpose of this motion. See Rockwell v. Cape Cod Hosp., 26 F.3d 254, 255 (1st Cir.1994).

<sup>2</sup>The Scannell Declaration is attached as Exhibit 1.

United States District Court for the Western District of Pennsylvania to a twenty (20) year term of incarceration with a three year term of supervised release to follow for conspiracy to possess with intent to distribute and distribution of 3-methyl-fentanyl, in violation of 21 U.S.C. § 846; and possession with intent to distribute and distribution of heroin, in violation of 21 U.S.C. §841(a)(1), (b)(1)(C). See Document 1b, Judgment and Commitment Order ("J & C"). In addition, the Court ordered the petitioner to "pay to the United States the sum of \$10,150.00, consisting of a fine of \$10,000.00 and a special assessment of \$150.00." Id. at p.5.

Assuming the petitioner is granted all remaining Good Conduct Time ("GCT") available to him under 18 U.S.C. § 3624(b), his projected statutory release date on this docket is June 26, 2006. See Document 1c, Sentence Monitoring Computation Data. In the event that all of his GCT is disallowed, his full term expiration date is January 4, 2009. Id.

The petitioner has filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The petitioner alleges that "the BOP has miscalculated the Petitioner's good time credit which they provided him only forty-seven (47) days instead of the fifty-four (54) days authorized by Congress." See Petition, p.

4.<sup>3</sup> Further, the petitioner claims that "the BOP should be prohibited from imposing the IFRP [Inmate Financial Responsibility Program] on [him] to pay the fine since the Court cannot delegate it the authority to do so, not does its (BOP) policy, or the facts of the case authorize[] such payment." Id. at p. 15. As relief, the petitioner states that he "should be exempt from paying the [court ordered] fine when the government was ordered to pay such and the statute prohibit[s] the collecting of fine by the BOP." Ibid. The petitioner also requests that "the BOP should be order[ed] to . . . compute the 54 days of good-time credit with the sentence impose[d]." Id. at p.23.

#### ARGUMENT

**I. The petitioner was not improperly placed in the Inmate Financial Responsibility Program ("IFRP"), and the Bureau of Prisons ("BOP") policy regarding IFRP is constitutional.**

The petitioner claims that "no statute was promulgated that indicate[s] or give[s] the BOP the authority to be a collection agent for the federal government, nor provide[s] the BOP the authority to impose adverse sanctions on inmates for failing to pay court imposed fines." See Petition, p. 5. Further, he states that his placement "in a mandatory Inmate Financial Responsibility Program deprived him of his due process protected

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<sup>3</sup>This Memorandum will refer to the petitioner's Petition for Writ of Mandamus as the "Petition."

liberty interest." Id. at p.7. These claims are without merit, as the petitioner was properly placed in the IFRP and the IFRP is constitutional.

The Victim and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Comprehensive Crime Control Act of 1984, and the Federal Debt Collection Procedures Act of 1990 require a diligent effort on the part of all law enforcement agencies to collect court-ordered financial obligations. See Document 1r, Program Statement 5380.07, Financial Responsibility Program, Inmate, § 1. In 1987, the BOP implemented the IFRP to provide inmates with an opportunity to set up a plan to help them meet their legitimate financial obligations. Id. The plan was designed with the intent to help inmates demonstrate responsible behavior by meeting their financial obligations. Id. The IFRP is codified at 28 C.F.R. § 545.10, et seq. During the classification process, staff assist inmates in developing a financial plan for meeting those obligations. See Document 1r, § 8. At subsequent program reviews, staff consider the inmate's efforts to fulfill those obligations as indicative of the inmate's acceptance and demonstrated level of responsibility. Id.

Under the IFRP, the inmate is responsible for making satisfactory progress in meeting his financial responsibility plan and for providing documentation of these payments to Unit staff. See Document 1r, § 8. Payments may be made from

institution resources or non-institution (community) resources. 28 C.F.R. § 545.11(b). Ordinarily, the minimum payment for inmates like the petitioner, who are not assigned to work assignments in the Federal Prison Industries or UNICOR, is \$25.00 per quarter. 28 C.F.R. § 545(b)(2). However, this minimum payment may exceed \$25.00, taking into consideration the inmate's specific obligations, institution resources, and community resources. Id. An inmate may use non-institutional (community) resources to satisfy a financial obligation. See Document 1r, § 8(b)(3)(a). Ordinarily, these are "one-time" payments directly to the parties to whom the obligations are owed and are intended to satisfy obligations of significant amounts. Id.

Participation in the IFRP, although highly encouraged, is not mandatory. Inmates who refuse to participate in the IFRP are placed in "refusal status" and are precluded from receiving certain benefits. See 28 C.F.R. § 545.11(d). "Refusal status" is not a punitive category, and placement in this category will not result in the imposition of inmate discipline. See 28 C.F.R. § 545.10, et seq. An inmate's refusal to participate in the IFRP will result in the receipt by the inmate of not more than maintenance-level pay, removal from UNICOR, limitation of commissary privileges, and ineligibility for placement in a community-based program. See 28 C.F.R. § 545.11(d)(3), (5), (6), and (7).

The petitioner's claim that his court-ordered financial obligations should not be paid via the IFRP lacks merit. The petitioner's J & C from the District Court for the Western District of Pennsylvania ordered that he pay a fine of \$10,000.00 and a special assessment of \$ 150.00. See Document 1b. The J & C does not specifically state whether the money shall be paid immediately or according to specific instructions. Id. However, 18 U.S.C. §3572(d)(1) states that, "[a] person sentenced to pay a fine or other monetary penalty, including restitution, shall make such payment immediately, unless, in the interest of justice, the court provides for payment on a date certain or in installments." The petitioner's J & C did not provide for payment on a certain date, or set forth a payment schedule. See Document 1b. Likewise, the BOP has no other evidence to indicate that the Court intended the petitioner's fine to be paid in any manner other than immediately. Thus, the BOP accurately determined that the petitioner is subject to the IFRP in an effort to assist him in paying his court-ordered fine as soon as possible.

Currently, the petitioner has not yet paid his fine in full. See Document 1s, Inmate Financial Responsibility Data. As such, he is subject to voluntary participation in the IFRP to assist him in meeting these court-ordered financial obligations. See Document 1r.

In the petition, the petitioner states that "the Court also

ordered the sale of Petitioner's Sport Utility Vehicle ("SUV") Chevy-Blazer valued at \$ 8,000 to [pay] the fine." See Petition, p. 3. The petitioner further contends that "the government's failure to pay the fine with the proceeds from the sale of [his] vehicle as ordered by the Court was clearly a deprivation of [his] due process protected "liberty interest" created by the Court's Order. See Petition, p.10. However, whether or not the petitioner's assertions are true, they are not reflected in any record provided to the BOP. The fact remains that both the petitioner's J & C and the letter from the U.S. Attorney's Office indicate that the petitioner is subject to a \$10,000.00 court-ordered fine. See Document 1b; see also Document 1h. To date, the petitioner has not made any significant attempt to pay his fine, and has repeatedly been placed in IFRP Refuse status during his incarceration. See Document 1e.

The BOP's authority to collect money judgments has repeatedly passed constitutional scrutiny because the IFRP serves valid penological interests, and is consistent with the BOP's authorization under the direction of the Attorney General to provide for rehabilitation and reformation. See Johnpoll v. Thornburgh, 898 F.2d 849, 850 (2d Cir. 1990), cert denied, 198 U.S. 819 (1990)(Compelled participation in IFRP is constitutional); McGhee v. Clark, 166 F.3d 884, 886 (7<sup>th</sup> Cir. 1999); James v. Quinlan, 866 F.2d 627, 630 (3d Cir. 1989); and,

Dorman v. Thornburgh, 955 F.2d 57, 58-59 (D.C.Cir. 1992).

Likewise, the deprivation of benefits resulting from IFRP "refusal status" does not suggest an "atypical or significant hardship" on the inmate which could give rise to due process protection. Sandin v. Connor, 515 U.S. 472, 484 (1995).

The petitioner currently has a balance of \$10,0000.00 on his court-imposed fine. See Document 1s. Pursuant to 18 U.S.C. § 3572(d)(1), in the absence of any other direction, the sentencing court has intended for the petitioner to pay this fine "immediately." Thus, the petitioner has been correctly subject to the IFRP Program to assist him in meeting this court-ordered obligation. As previously discussed, the IFRP is a voluntary, constitutional program within the BOP's authority designed to help inmates demonstrate responsibility and meet their court-ordered financial obligations. As such, an inmate's participation, or refusal, in the IFRP does not need to be approved by the sentencing court. The petitioner has repeatedly refused to participate in the IFRP, has appropriately been placed in refusal status, and is therefore subjected to being ineligible to receive certain benefits as set forth in 28 C.F.R. § 545.11.

Accordingly, the petitioner's claim that "the BOP should be prohibited from imposing the IFRP on [him] to pay the fine since the Court cannot delegate it the authority to do so, not does its (BOP) policy, or the facts of the case authorize[] such payment"



(Petition, p. 15) is without merit. Such being the case, this portion of the petition should be dismissed.

**II. The petitioner's GCT has been calculated in accordance with BOP policy, and this policy has been upheld by the United States Court Of Appeals for the First Circuit.**

The petitioner alleges that his "statutory and due process rights are being violated by the BOP's misinterpretation of 18 U.S.C. 3624(b), depriving him of eligibility for 54 days of good conduct time (GCT) credit for each year of his term of imprisonment to which he is statutorily entitled." This argument lacks merit, as the BOP is calculating his GCT in accordance with 18 U.S.C. § 3624(b) and Program Statement 5880.28, Sentence Computation Manual CCCA, and their calculation has been upheld as reasonable by the United States Court of Appeals for the First Circuit. Perez-Olivio v. Chavez, 2005 WL 31913 (1st Cir. 2005).

The federal statute governing GCT credits under the Violent Crime Control and Law Enforcement Act for all offenses committed after April 26, 1996, can be found at 18 U.S.C. § 3624(b). The statute provides that "a prisoner who is serving a term of imprisonment of more than one year . . . , may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term . . . "

The statute specifically delegates to the BOP the duty to

award GCT. 18 U.S.C. § 3624(b). BOP Program Statement 5880.28, Sentence Computation Manual CCCA, applies the statutory requirement set forth in 18 U.S.C. § 3624(b), and states that 54 days of GCT may be earned for each full year served, with the GCT award being prorated for the last partial year. See Document 1j, pp. 1-40, 1-41. Since GCT is awarded at the end of a full year served, GCT cannot be awarded to an inmate sentenced to exactly one year imprisonment. See Document 1j, pp. 1-41, 1-45. Rather, the shortest sentence for which GCT can be earned is a sentence of one year and a day. See Document 1j, p. 1-45. In order for an inmate to be imprisoned for exactly one year under the statute, they must have an original sentence of one year and 54 days imposed, since 54 days GCT are earned after the completion of one full year in confinement. See Document 1j, p. 4-5.

Contrary to the petitioner's assertion, the BOP sentence computation is correct. The petitioner has erroneously computed his GCT as being the length of his sentence (in years) multiplied by 54 days (7.25 year sentence x 54 days = 391.5 days). This method is inconsistent with 18 U.S.C. § 3624(b) and Program Statement 5880.28, Sentence Computation Manual CCCA, which allow 54 days of GCT per year only for the time actually served. The petitioner's computation of GCT is incorrect because under his formula, inmates would receive GCT credit for time not served as well as for time actually served. Since GCT is awarded on a

yearly, ongoing basis, it logically follows that if a prisoner cannot receive their 54 days of GCT until after each year of the term of imprisonment, then a prisoner cannot receive any GCT for time not actually served.

The petitioner was sentenced on January 17, 2000, to an 87-month term of incarceration. See Document 1c. Because the petitioner will be receiving GCT credits of up to 54 days for each year served, he will not be serving the full 87 months in federal custody. Id. Indeed, the petitioner's sentence, minus the projected 341 days applicable GCT time, equals roughly 76 months. Id. Thus, assuming he is granted all GCT available to him from this time forward based on his time served, under 18 U.S.C. § 3624(b), his projected satisfaction date on this docket is May 9, 2006. Id.

To date, there are four circuit courts which have addressed the GCT issue, and all have upheld the BOP method of calculation. See Perez-Olivio v. Chavez, 2005 WL 31913 (1st Cir. 2005); White v. Scibana, 390 F.3d 997 (7th Cir. 2004); Pacheco-Camacho v. Hood, 272 F.3d 1266 (9th Cir. 2001), cert. denied 535 U.S. 1105 (2002); Brown v. Hemingway, 53 Fed. Appx. 338, 2002 WL 31845147 (6th Cir. 2002); Williams v. LaManna, 20 Fed. Appx. 360, 2001 WL 1136069 (6th Cir. 2001).

The U.S. Court of Appeals for the First Circuit found "the GCT statute to be ambiguous under Chevron v. U.S.A., Inc. v.

Natural Res. Def. Council, Inc., 467 U.S. 837 (1984), and the BOP's interpretation reasonable." Perez-Olivio v. Chavez, 2005 WL 31913 at \*1, (1st Cir. 2005). The Court determined that "the phrase 'term of imprisonment' is used inconsistently throughout 18 U.S.C. § 3624." Id. at \*3. They also stated that "the legislative history of the GCT statute at issue in this case does not indicate any congressional intent to calculate GCT based on 'time served' or 'sentence imposed.'" Id. Thus, "having determined that § 3624(b)(1) is ambiguous," the Court moved to the second step of the Chevron analysis to determine if the BOP's interpretation was reasonable. Id. at \*5. According to the Court, the language in the statute referring to the award of credit at the end of each year "is a clear congressional directive that the BOP look retroactively at a prisoner's conduct over the prior year, which makes it reasonable for the BOP only to award GCT for time served." Id. at \*6.

Almost a month before the First Circuit's decision, the U.S. Court of Appeals for the Seventh Circuit examined the GCT issue in White v. Scibana, 390 F.3d 997 (7th Cir. 2004). In that opinion, the Court found § 3624(b) to be ambiguous, and "defer[red] to the Bureau's reasonable interpretation of the statute, which awards the credit for each year served in prison rather than each year of the sentence imposed." Id. at \*1002, 1003.

In Pacheco-Camacho v. Hood, 272 F.3d 1266 (9th Cir. 2001), a federal prisoner challenged the BOP's policy of awarding a prorated amount of GCT for the last partial year an inmate served toward his sentence. The Ninth Circuit held that the BOP's regulation basing the computation of GCT on time actually served rather than the sentence imposed fell within the implied statutory authority of the BOP. Id. at 1270. The court concluded that the BOP's regulations which based the proration of GCT upon time served (as opposed to sentence imposed) were reasonable, and thus, entitled to deference. Id. at 1270-71.

The U.S. Court of Appeals for the Sixth Circuit, in two unpublished opinions, also endorsed the calculation of GCT by the BOP, and rejected inmate challenges similar to those posed by the petitioner in this instant case. In Williams, supra, (decided two months before Pacheco, supra), the prisoner attempted to make the exact same argument as the petitioner in arguing that the statute "should be interpreted to allow him good conduct time credits for the entirety of the sentence that was imposed upon him rather than for the actual time of incarceration." Williams at 360. The Sixth Circuit rejected this claim, finding that under 18 U.S.C. § 3624(b), "[t]he statute clearly states that good conduct time is awarded on time served by the inmate, not on the time that might potentially be served by the inmate." 2001 WL 1136069 at \*\*1.

In Brown, supra, (decided one year after Pacheco, supra), the Sixth Circuit reached the same result. The Court rejected an inmate's claim that GCT should be based on the sentence imposed, not time served, relying upon Pacheco, supra, and Williams, supra. 2002 WL 31845147 at \*\*1. The Court conclusively determined that "[t]he Bureau's interpretation is reasonable in light of the statutory language." Id.

The petitioner's GCT is being calculated consistent with current BOP policy. Thus, due to the mandatory and persuasive authority upholding the BOP's calculation of GCT, the petitioner's argument holds no merit. Therefore, the GCT portion of this petition should be dismissed.

**CONCLUSION**

For the reasons discussed above, the petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 should be dismissed.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Dated March 14, 2005      By: /S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney  
U.S. Attorney's Office  
John Joseph Moakley Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210  
(617) 748-3100

**CERTIFICATE OF SERVICE**

I certify that on this day a true copy of the above document was served by first class mail, postage prepaid, upon the *pro se* plaintiff:

Kevin Taylor, Inmate  
Federal Registry No. 03421-068  
Federal Medical Center Devens  
P.O. Box 879  
Ayer, MA 01432

Dated: March 14, 2005      /S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney

# **EXHIBIT 1**



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KEVIN TAYLOR,	)	
Petitioner,	)	
	)	
v.	)	Civ. Action No. 03-CV-10221
	)	
DAVID WINN	)	
Respondent.	)	
	)	

DECLARATION OF STEPHANIE SCANNELL

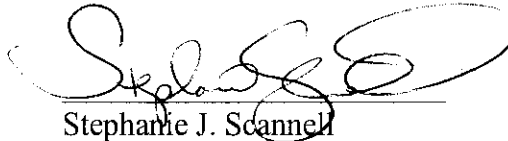
I, Stephanie Scannell, hereby make the following declaration:

1. I am currently employed by the Federal Bureau of Prisons (BOP) of the United States Department of Justice as a Paralegal Specialist at the Consolidated Legal Center located at the Federal Medical Center (FMC) in Devens, Massachusetts. I have been employed at this position since approximately March 9, 2003, and have been with the BOP since approximately October 6, 2002.
2. In order to perform my official duties as Paralegal Specialist, I have access to numerous records regarding prisoners maintained in the ordinary course of business at FMC Devens. This information includes documentary records and computerized records maintained on the Bureau of Prisons computerized data base.
3. I have reviewed the petition filed by Kevin Taylor, Register Number 03421-068, in which he challenges the Bureau of Prisons' calculation of his good conduct time, as well as his placement and status in the Inmate Financial Responsibility Program (IFRP).
4. Attached hereto, please find true and correct copies of the following documents:
  - a. Inmate History, ADM-REL, for Inmate Kevin Taylor, Reg. No. 03421-068;
  - b. Judgment and Commitment Order (attached in relevant part);
  - c. Sentence Monitoring Computation Data for Inmate Kevin Taylor, Reg. No. 03421-068, dated March 3, 2005;
  - d. Sentence Monitoring Good Time Data for Inmate Kevin Taylor, Reg. No. 03421-068, dated March 3, 2005;
  - e. Inmate Financial Responsibility History for Inmate Kevin Taylor, Reg. No. 03421-068, dated March 3, 2005;
  - f. Memorandum from W.H. Whited, Acting A-Unit Manager, to John V. Rowe, Associate Warden (Programs);

- g. Memorandum for the File from L.Morello, Unit 4 Counselor;
- h. Letter dated March 21, 2001, from the United States Attorneys Office for the Western District of Pennsylvania;
- i. Memorandum for Kevin Taylor from Counselor J. Nelson;
- j. Program Statement 5880.28, Sentence Computation Manual CCCA (attached in relevant part);
- k. Inmate Disciplinary History for Inmate Kevin Taylor, Reg. No. 03421-068, dated March 3, 2005;
- l. Request for Administrative Remedy, Case Number 331704-F1, and Response;
- m. Administrative Remedy Appeal, Case Number 331704-R1, and Response;
- n. Administrative Remedy Appeal, Case Number 331704-A3, and Response;
- o. Request for Administrative Remedy, Case Number 335328-F1, and Response;
- p. Administrative Remedy Appeal, Case Number 335328-R1, and Response;
- q. Administrative Remedy Appeal, Case Number 335328-A1, and Response;
- r. Program Statement 5380.07, Financial Responsibility Program, Inmate;
- s. Inmate Financial Responsibility Data for Inmate Kevin Taylor, Reg. No. 03421-068, dated March 3, 2005.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 5<sup>th</sup> day of March 2005



Stephanie J. Scannell  
Paralegal Specialist  
FMC Devens

# **EXHIBIT 1a**

REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-11-2005 1208	CURRENT
DEV	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	02-11-2005 0733	02-11-2005 1208
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	01-11-2005 1100	02-11-2005 0733
DEV	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	01-11-2005 0733	01-11-2005 1100
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-21-2004 1133	01-11-2005 0733
DEV	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-21-2004 0815	07-21-2004 1133
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	03-31-2004 1006	07-21-2004 0815
5-L	RELEASE	RELEASED FROM IN-TRANSIT FACL	03-31-2004 1006	03-31-2004 1006
5-L	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	03-31-2004 0443	03-31-2004 1006
FTD	TRANSFER	TRANSFER	03-31-2004 0443	03-31-2004 0443
FTD	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-01-2001 1725	03-31-2004 0443
FTD	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	11-01-2001 1425	11-01-2001 1725
FTD	A-DES	DESIGNATED, AT ASSIGNED FACIL	05-01-2001 0958	11-01-2001 1425
S17	RELEASE	RELEASED FROM IN-TRANSIT FACL	05-01-2001 0958	05-01-2001 0958

G0002 MORE PAGES TO FOLLOW . . .

REG NO...: 03421-068 NAME.....: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
S17	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-01-2001 0612	05-01-2001 0958
LEW	HLD REMOVE	HOLDOVER REMOVED	05-01-2001 0612	05-01-2001 0612
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	04-26-2001 1705	05-01-2001 0612
B01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	04-26-2001 1705	04-26-2001 1705
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	04-26-2001 1530	04-26-2001 1705
ALM	TRANSFER	TRANSFER	04-26-2001 1530	04-26-2001 1530
ALM	A-DES	DESIGNATED, AT ASSIGNED FACIL	01-19-1999 1730	04-26-2001 1530
6-H	RELEASE	RELEASED FROM IN-TRANSIT FACIL	01-19-1999 1730	01-19-1999 1730
6-H	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	01-19-1999 0902	01-19-1999 1730
CUM	TRANSFER	TRANSFER	01-19-1999 0902	01-19-1999 0902
CUM	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-04-1997 1508	01-19-1999 0902
CUM	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	02-04-1997 0900	02-04-1997 1508
CUM	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-22-1996 1952	02-04-1997 0900
A01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-22-1996 1952	07-22-1996 1952

G0002 MORE PAGES TO FOLLOW . . .

REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-22-1996 0809	07-22-1996 1952
LEW	HLD REMOVE	HOLDOVER REMOVED	07-22-1996 0809	07-22-1996 0809
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	07-17-1996 1804	07-22-1996 0809
S05	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-17-1996 1804	07-17-1996 1804
S05	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-17-1996 1334	07-17-1996 1804
MCK	TRANSFER	TRANSFER	07-17-1996 1334	07-17-1996 1334
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-22-1993 1146	07-17-1996 1334
S01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-22-1993 1146	06-22-1993 1146
S01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-22-1993 0719	06-22-1993 1146
LEW	TRANSFER	TRANSFER	06-22-1993 0719	06-22-1993 0719
LEW	A-DES	DESIGNATED, AT ASSIGNED FACIL	05-27-1992 1801	06-22-1993 0719
A02	RELEASE	RELEASED FROM IN-TRANSIT FACIL	05-27-1992 1801	05-27-1992 1801
A02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-27-1992 0730	05-27-1992 1801
ERE	HLD REMOVE	HOLDOVER REMOVED	05-27-1992 0630	05-27-1992 0630

G0002 MORE PAGES TO FOLLOW . . .

REG NO...: 03421-068 NAME....: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
ERE	A-HLD	HOLDOVER, TEMPORARILY HOUSED	05-22-1992 2100	05-27-1992 0630
A02	RELEASE	RELEASED FROM IN-TRANSIT FACIL	05-22-1992 2200	05-22-1992 2200
A02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-22-1992 0930	05-22-1992 2200
PHX	HLD REMOVE	HOLDOVER REMOVED	05-22-1992 0630	05-22-1992 0630
PHX	A-HLD	HOLDOVER, TEMPORARILY HOUSED	05-20-1992 1645	05-22-1992 0630
B12	RELEASE	RELEASED FROM IN-TRANSIT FACIL	05-20-1992 1945	05-20-1992 1945
B12	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-20-1992 1308	05-20-1992 1945
LOS	HLD REMOVE	HOLDOVER REMOVED	05-20-1992 1008	05-20-1992 1008
LOS	A-HLD	HOLDOVER, TEMPORARILY HOUSED	05-19-1992 1944	05-20-1992 1008
B12	RELEASE	RELEASED FROM IN-TRANSIT FACIL	05-19-1992 2244	05-19-1992 2244
B12	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-19-1992 1821	05-19-1992 2244
LOM	TRANSFER	TRANSFER	05-19-1992 1521	05-19-1992 1521
LOM	A-DES	DESIGNATED, AT ASSIGNED FACIL	04-02-1992 1421	05-19-1992 1521
A01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	04-02-1992 1721	04-02-1992 1721

G0002 MORE PAGES TO FOLLOW . . .

REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACI	04-02-1992 0730	04-02-1992 1721
ERE	HLD REMOVE	HOLDOVER REMOVED	04-02-1992 0630	04-02-1992 0630
ERE	A-HLD	HOLDOVER, TEMPORARILY HOUSED	04-01-1992 1930	04-02-1992 0630
A01	RELEASE	RELEASED FROM IN-TRANSIT FACI	04-01-1992 2030	04-01-1992 2030
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACI	04-01-1992 1146	04-01-1992 2030
LEW	HLD REMOVE	HOLDOVER REMOVED	04-01-1992 1146	04-01-1992 1146
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	03-27-1992 1458	04-01-1992 1146
5-P	RELEASE	RELEASED FROM IN-TRANSIT FACI	03-27-1992 1458	03-27-1992 1458
5-P	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACI	03-27-1992 1256	03-27-1992 1458
SCH	TRANSFER	TRANSFER	03-27-1992 1256	03-27-1992 1256
SCH	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-04-1992 1400	03-27-1992 1256
S03	RELEASE	RELEASED FROM IN-TRANSIT FACI	02-04-1992 1400	02-04-1992 1400
S03	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACI	02-04-1992 0615	02-04-1992 1400
RBK	TRANSFER	TRANSFER	02-04-1992 0615	02-04-1992 0615

G0002 MORE PAGES TO FOLLOW . . .



REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
RBK	A-DES	DESIGNATED, AT ASSIGNED FACIL	08-12-1991 1803	02-04-1992 0615
S02	RELEASE	RELEASED FROM IN-TRANSIT FACL	08-12-1991 1803	08-12-1991 1803
S02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	08-12-1991 0552	08-12-1991 1803
LEW	HLD REMOVE	HOLDOVER REMOVED	08-12-1991 0552	08-12-1991 0552
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	08-07-1991 1531	08-12-1991 0552
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	08-07-1991 1531	08-07-1991 1531
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	08-07-1991 0831	08-07-1991 1531
ATL	HLD REMOVE	HOLDOVER REMOVED	08-07-1991 0831	08-07-1991 0831
ATL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	08-06-1991 1940	08-07-1991 0831
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	08-06-1991 1940	08-06-1991 1940
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	08-06-1991 0630	08-06-1991 1940
ERE	HLD REMOVE	HOLDOVER REMOVED	08-06-1991 0530	08-06-1991 0530
ERE	A-HLD	HOLDOVER, TEMPORARILY HOUSED	08-01-1991 1330	08-06-1991 0530
3-L	RELEASE	RELEASED FROM IN-TRANSIT FACL	08-01-1991 1430	08-01-1991 1430

G0002 MORE PAGES TO FOLLOW . . .

REG NO.: 03421-068 NAME....: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
3-L	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	08-01-1991 0804	08-01-1991 1430
LVN	TRANSFER	TRANSFER	08-01-1991 0704	08-01-1991 0704
LVN	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-15-1990 1300	08-01-1991 0704
PIT	RELEASE	RELEASED FROM IN-TRANSIT FACIL	02-15-1990 1400	02-15-1990 1400
PIT	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	11-03-1989 0333	02-15-1990 1400
I-T	RELEASE	RELEASED FROM IN-TRANSIT FACIL	11-03-1989 0333	11-03-1989 0333
I-T	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	10-04-1989 0859	11-03-1989 0333
LVN	IAD	INTERSTATE AGRMNT ON DETAINERS	10-04-1989 0759	02-15-1990 1300
LVN	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-25-1989 1339	10-04-1989 0759
S01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-25-1989 1439	07-25-1989 1439
S01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-25-1989 0700	07-25-1989 1439
ERE	HLD REMOVE	HOLDOVER REMOVED	07-25-1989 0600	07-25-1989 0600
ERE	A-HLD	HOLDOVER, TEMPORARILY HOUSED	07-20-1989 1955	07-25-1989 0600
I-T	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-20-1989 2055	07-20-1989 2055

G0002 MORE PAGES TO FOLLOW . . .

REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: ARS FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
I-T	A-ADMIT	ADMITTED TO AN IN-TRANSIT FAC	07-10-1989 1004	07-20-1989 2055
CPG	ADMIN REL	ADMINISTRATIVE RELEASE	07-10-1989 1004	07-10-1989 1004
CPG	A-ADMIN	ADMINISTRATIVE ADMISSION	07-10-1989 0959	07-10-1989 1004

G0005' TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

# **EXHIBIT 1b**

**United States District Court**

WESTERN

District of

PENNSYLVANIA

UNITED STATES OF AMERICA

V.

**JUDGMENT INCLUDING SENTENCE  
UNDER THE SENTENCING REFORM ACT**

KEVIN TAYLOR

Case Number 89-9 Criminal

(Name of Defendant)

Charles F. Scarlata, Esq.

Defendant's Attorney

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1, 8 and 9
- ☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
21 USC 846	Conspiracy to possess with intent to distribute and to distribute 3-methyl-fentanyl	1
21 USC 841(a)(1) & 841(b)(1)(C)	Possess with intent to distribute and distribute heroin	8 & 9

The defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_, and is discharged as to such count(s).
- ☒ Count(s) 2, 3, 4, 5, 6, 7, 10, and 11 (is)(are) dismissed on the motion of the United States.
- ☒ The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- ☐ It is ordered that the defendant shall pay to the United States a special assessment of \$ \_\_\_\_\_, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

208-44-5259

Defendant's mailing address:

Defendant's residence address:

June 28, 1989

Date of Imposition of Sentence



Signature of Judicial Officer

Donald E. Ziegler/  
United States District Judge

Name &amp; Title of Judicial Officer

June 29, 1989

Date

AJ 245 S. (3/88) Sheet 2 - Imprisonment

Defendant: KEVIN TAYLOR  
 Case Number: 89-9 Criminal

Judgment—Page 2 of 5

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 20 years

This term consists of terms of 20 years on each of Counts 1, 8 and 9, all to be served concurrently.

☐ The Court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district,

☐ at        a.m.  
☐ at        p.m. on       

☐ as notified by the Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

☐ before 2 p.m. on       

☐ as notified by the United States Marshal.

☐ as notified by the Probation Office.

## RETURN

I have executed this Judgment as follows:

Defendant delivered on 7-25-89 to USP LEAVENWORTH at       , with a certified copy of this Judgment.

By ROBERT L. MATTHEWS  
 United States Marshal  
Daniel J. Baker  
 Deputy Marshal  
 LOCAL TECHNICIAN

Judgment—Page 3 of 5

Defendant: KEVIN TAYLOR  
Case Number: 89-9 Criminal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

This term consists of terms of three years on each of Counts 1, 8 and 9, all to be served concurrently.

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

That the defendant participate in a drug treatment program as recommended by the Probation Office.

That the defendant participate in a program of mental health counseling as recommended by the Probation Office.

That the defendant not use, own, possess, or carry a firearm.

That the defendant not use or possess any illegal drugs, narcotic substances, and/or drug paraphernalia, nor is he to be in those places known to traffic in illegal drugs.

7-25-89

USP LEAVENWORTH

ROBERT L. MATTHEWS  
USP

Daniel J. Gable



Judgment—Page 4 of 5

Defendant: KEVIN TAYLOR  
Case Number: 89-9 Criminal

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

ROBERT L. MATTHEWS  
WARDEN  
J. J. J. J.



Judgment—Page 5 of 5

Defendant: KEVIN TAYLOR  
Case Number: 89-9 Criminal

## FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 10,150.00, consisting of a fine of \$ 10,000.00 and a special assessment of \$ 150.00.

- ☒ These amounts are the totals of the fines and assessments imposed on individual counts, as follows:  
\$50.00 Special assessment on each of Counts 1, 8 and 9.

This sum shall be paid ☐ immediately.  
☐ as follows:

- ☐ The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:
- ☐ The interest requirement is waived.
  - ☐ The interest requirement is modified as follows:

CERTIFIED FROM THE RECORD	
Date:	<u>JUN 2 2 1995</u>
CATHERINE D. MAYER, CLERK	
By:	<u>[Signature]</u>

# **EXHIBIT 1c**

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC....: DIS

FBI NO.....: 22903K4 DATE OF BIRTH: 09-17-1955  
ARS1.....: DEV/A-DES  
UNIT.....: J SOMP QUARTERS.....: J04-421U  
DETAINERS.....: NO NOTIFICATIONS: NO

PRE-RELEASE PREPARATION DATE: 12-26-2005

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 06-26-2006 VIA GCT REL

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: PENNSYLVANIA, WESTERN DISTRICT  
DOCKET NUMBER.....: 89-9 CRIMINAL  
JUDGE.....: ZIEGLER  
DATE SENTENCED/PROBATION IMPOSED: 06-28-1989  
DATE COMMITTED.....: 07-25-1989  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$150.00	\$00.00	\$10,000.00	\$00.00

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS

-----CURRENT OBLIGATION NO: 010 -----  
OFFENSE CODE.....: 391  
OFF/CHG: CONSPIRACY TO POSSESS W/I TO DIST AND DIST 3-METHYL-FENTANYL,  
21:846; POSS W/I TO DIST & DIST HEROIN, 21:841(A)(1), (B)(1)(C)  
  
SENTENCE PROCEDURE.....: 3559 SRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 20 YEARS  
TERM OF SUPERVISION.....: 3 YEARS  
CLASS OF OFFENSE.....: CLASS C FELONY  
DATE OF OFFENSE.....: 01-05-1989

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS

REMARKS.....: ARRESTED 01-05-1989 AND REMAINED IN CONTINUOUS CUSTODY.  
SENTENCED 06-28-1989 TO 20 YEARS IMPRISONMENT AND 3 YEARS  
SUPERVISED RELEASE ON COUNTS 1, 2 & 9, CONCURRENT. A  
\$10,000.00 NON COMMITTED FINE ORDERED & \$50 NON-COMMITTED  
ASSESSMENT ON EACH COUNT, TOTAL ASSESSMENT \$150.

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-17-2001 AT FTD AUTOMATICALLY  
THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC...: DIS

DATE COMPUTATION BEGAN.....: 06-28-1989  
TOTAL TERM IN EFFECT.....: 20 YEARS  
TOTAL TERM IN EFFECT CONVERTED...: 20 YEARS  
EARLIEST DATE OF OFFENSE.....: 01-05-1989

JAIL CREDIT.....:	FROM DATE	THRU DATE
	01-05-1989	06-27-1989

TOTAL PRIOR CREDIT TIME.....: 174  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 923  
TOTAL GCT EARNED.....: 844  
STATUTORY RELEASE DATE PROJECTED: 06-26-2006  
SIX MONTH /10% DATE.....: N/A

G0002 MORE PAGES TO FOLLOW . . .

DEVAA 540.23 \* SENTENCE MONITORING 03-03-2005  
PAGE 006 OF 006 \* COMPUTATION DATA \* 14:33:02  
AS OF 03-03-2005

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y  
FUNC....: DIS

EXPIRATION FULL TERM DATE.....: 01-04-2009

PROJECTED SATISFACTION DATE.....: 06-26-2006  
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE



**EXHIBIT 1d**

REGNO...: 03421-068      NAME: TAYLOR, KEVIN  
ARS 1...: DEV A-DES      SRA  
COMPUTATION NUMBER...: 010      FUNC...: DIS      ACT DT:  
LAST UPDATED:    DATE.: 07-17-2001      FACL...: FTD      CALC: AUTOMATIC  
UNIT.....: J SOMP      QUARTERS.....: J04-421U  
DATE COMP BEGINS....: 06-28-1989      COMP STATUS.....: COMPLETE  
TOTAL JAIL CREDIT...: 174      TOTAL INOP TIME.....: 0  
CURRENT REL DT.....: 09-13-2006 WED      EXPIRES FULL TERM DT: 01-04-2009  
PROJ SATISFACT DT...: 06-26-2006 MON      PROJ SATISF METHOD...: GCT REL  
ACTUAL SATISFACT DT.:      ACTUAL SATISF METHOD:  
DAYS REMAINING.....:      FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX POSSIBLE TO DIS    FFT	ACTUAL TOTALS DIS    FFT	VESTED AMOUNT	VESTED DATE
01-05-1989	01-04-1990	54    0		54	01-19-1990
01-05-1990	01-04-1991	54    0		54	01-19-1991

G0002      MORE PAGES TO FOLLOW . . .

REGNO...: 03421-068      NAME: TAYLOR, KEVIN  
ARS 1...: DEV A-DES      SRA  
COMPUTATION NUMBER...: 010      FUNC...: DIS      ACT DT:  
LAST UPDATED:    DATE.: 07-17-2001      FACL...: FTD      CALC: AUTOMATIC

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX POSSIBLE TO		ACTUAL TOTALS		VESTED AMOUNT	VESTED DATE
		DIS	FFT	DIS	FFT		
01-05-1991	01-04-1992	54	0			54	01-19-1992
01-05-1992	01-04-1993	54	0	20		34	01-19-1993
01-05-1993	01-04-1994	54	0			54	01-19-1994
01-05-1994	01-04-1995	54	0			54	01-19-1995
01-05-1995	01-04-1996	54	0			54	01-19-1996
01-05-1996	01-04-1997	54	0			54	01-19-1997
01-05-1997	01-04-1998	54	0			54	01-19-1998
01-05-1998	01-04-1999	54	0			54	01-19-1999
01-05-1999	01-04-2000	54	0			54	01-19-2000

G0002      MORE PAGES TO FOLLOW . . .

REGNO....: 03421-068      NAME: TAYLOR, KEVIN  
ARS 1....: DEV A-DES      SRA  
COMPUTATION NUMBER...: 010      FUNC...: DIS      ACT DT:  
LAST UPDATED:    DATE.: 07-17-2001      FACL...: FTD      CALC: AUTOMATIC

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX POSSIBLE TO		ACTUAL TOTALS		VESTED AMOUNT	VESTED DATE
		DIS	FFT	DIS	FFT		
01-05-2000	01-04-2001	54	0			54	01-19-2001
01-05-2001	01-04-2002	54	0			54	01-19-2002
01-05-2002	01-04-2003	54	0			54	01-19-2003
01-05-2003	01-04-2004	54	0			54	01-19-2004
01-05-2004	01-04-2005	54	0			54	01-19-2005
01-05-2005	01-04-2006	54					
01-05-2006	06-26-2006	25					

TOTAL EARNED AMOUNT.....: 844

G0002      MORE PAGES TO FOLLOW . . .

DEVAA 542.22 SENTENCE MONITORING 03-03-2005  
PAGE 004 OF 004 \* GOOD TIME DATA \* 14:35:07  
AS OF 03-03-2005

REGNO...: 03421-068 NAME: TAYLOR, KEVIN  
ARS 1...: DEV A-DES SRA  
COMPUTATION NUMBER...: 010 FUNC...: DIS ACT DT:  
LAST UPDATED: DATE.: 07-17-2001 FACL...: FTD CALC: AUTOMATIC

TOTAL EARNED AND PROJECTED AMOUNT.....: 923

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

# **EXHIBIT 1e**

REG NO.: 03421-068 NAME: TAYLOR, KEVIN  
CATEGORY: FRP FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
DEV	REFUSE	FINANC RESP-REFUSES	06-01-2001 0942	CURRENT
FTD	NO OBLG	FINANC RESP-NO OBLIGATION	04-20-1995 0956	06-01-2001 0942
MCK	REFUSE	FINANC RESP-REFUSES	07-21-1993 0838	04-20-1995 0956
MCK	PART	FINANC RESP-PARTICIPATES	08-06-1992 0953	07-21-1993 0838
LEW	REFUSE	FINANC RESP-REFUSES	04-13-1992 1734	08-06-1992 0953
LOM	PART	FINANC RESP-PARTICIPATES	04-22-1991 1228	04-13-1992 1734
LVN	REFUSE	FINANC RESP-REFUSES	03-30-1991 2122	04-22-1991 1228
LVN	PART	FINANC RESP-PARTICIPATES	03-29-1990 0927	03-30-1991 2122
LVN	UNASSG	FINANC RESP-UNASSIGNED	07-10-1989 0959	03-29-1990 0927

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

**EXHIBIT 1f**



UNITED STATES GOVERNMENT

# memorandum

DATE: July 9, 1990

REPLY TO: *W. H. Whitel*  
ATTN OF: W. H. Whitel, Acting A-Unit Manager

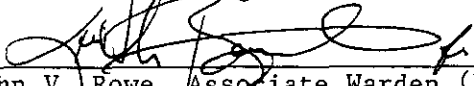
United States Penitentiary  
Leavenworth, Kansas 66048

SUBJECT: TAYLOR, Kevin  
Reg. No. 03421-068

TO: John V. Rowe, Associate Warden (Programs)

The purpose of this memorandum is to request the above referenced individual be placed on "Refused Status", regarding his financial responsibility, as a result of his refusal to re-enter general population. On May 1, 1990, Mr. Taylor was informed his refusal to pay his financial obligation would exempt him from earning above Maintenance Pay Grade and prohibit him from obtaining employment in UNICOR. Records indicate Mr. Taylor has failed to make a payment towards his financial obligation. The Unit Team recommends he be maintained on "Refused Status" until such time as he satisfactorily addresses his financial obligations.

APPROVED:

  
John V. Rowe, Associate Warden (Programs)

**EXHIBIT 1g**

## memorandum

DATE: 04-20-95  
REPLY TO *L. Morello*  
ATTN OF: L. MORELLO, UNIT 4 COUNSELOR  
SUBJECT: TAYLOR, KEVIN  
#03421-068  
TO: CENTRAL FILE

PLEASE BE ADVISED THAT THE ABOVE NAMED INDIVIDUAL IS CURRENTLY IN THE "NO OBLIGATION" STATUS CONCERNING HIS FINACIAL OBLIGATION DUE THE FACT THAT THE J&C DOES NOT SPECIFICALLY STATE THAT HE IS TO PAY HIS FINE WHILE INCARCERATED.

ON 4-20-95, I CONTACTED THE U.S. ATTORNEY WESTERN DISTRICT OF PENNSYLVANIA AND SPOKE TO MS. SUE DEMERSKI (FIN. LIT. AGENT). SHE INDICATED THAT HER OFFICE CONTACTED THE JUDGE'S CHAMBERS AND THEY STATED THAT THEY WOULD NOT AMMEND THE J&C WITHOUT A COURT ORDER. THE U.S. ATTORNEY IS CURRENTLY IN THE PROCESS OF DOING THIS. IN THE MEAN TIME, HE IS TO REMAIN IN THE "NO OBLIGATION" STATUS UNTIL WE RECEIVE THE NEW J&C.

# **EXHIBIT 1h**



U.S. Department of Justice

United States Attorney  
Western District of Pennsylvania

Financial Litigation Unit  
633 United States Post Office & Courthouse  
Pittsburgh, Pennsylvania 15219

412/644-3500  
FAX(412)644-5870

March 21, 2001

Kevin Taylor  
Register No. 03421-068  
Allenwood Medical FCI  
P.O. Box 2500  
White Deer, PA 17887

Re: United States of America v. Kevin Taylor  
Court No. 89-9, USAO No. 1989000054

Dear Mr. Taylor:

On March 19, 2001, your case manager, Robert Wenner, called me regarding the \$10,000.00 fine you were ordered to pay in the above entitled action. He explained that it is your position that you do not have to pay the fine until you are released from incarceration because the Court Order does not specifically state that you have to pay the fine while you are incarcerated.

Pursuant to 18 U.S.C. § 3572 (d), a fine is due immediately unless the Court provides for payment on a date certain or in installments. Since there is no evidence in the record that the Court provided for payment on a date certain or in installments, it has been, and still is, the position of the United States that the fine is due immediately.

The Motion to Modify Sentence your attorney filed in September, 1995 was denied, as was the appeal you filed on December 15, 1995. More recently, the Supreme Court declined to hear your case. In effect, the appeal process has ended and the fine is now due.

In 1993, you made two payments of \$25.00 each toward the fine. Demand is now made for payment of the balance due, which is \$9,950.00 as of the date of this letter.

Your cashier's check or money order should be marked with Court No. 89-9 and mailed to the U.S. Clerk of Court, P.O. Box 1805, Pittsburgh, PA 15230. If you cannot pay the amount in full, payments will be accepted through the Bureau of Prisons' Inmate Financial Responsibility Program. Until the fine is paid in full, you are liable to make payments on it not only throughout your incarceration, but also for 20 years after you are released, as set forth in 18 U.S.C. § 3613(b).

Very truly yours,

HARRY LITMAN  
United States Attorney

*Gail M. Ward*  
GAIL M. WARD  
Financial Litigation Agent

cc: R. Wenner, Case Manager

# **EXHIBIT 1i**



U.S. Department of Justice

Federal Bureau of Prisons

*Federal Medical Center, Devens*

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P.O. Box 880  
Ayer, MA 01432

July 15, 2004

**MEMORANDUM FOR TAYLOR, KEVIN #03421-068**

**FROM: J. NELSON - COUNSELOR J Unit**

A handwritten signature in dark ink, appearing to be "J. Nelson".

**SUBJECT: FINANCIAL RESPONSIBILITY PROGRAM STATUS - REFUSAL**

You have refused to participate in the Inmate Financial Responsibility Program (IFRP). In accordance with Program Statement 5380.07, Inmate Financial Responsibility Program, the following restrictions are to be enforced:

1. You will not receive Performance Pay above the Maintenance Pay level of \$5.25 per month. You will not receive a Vacation. You will not receive bonus pay or any monetary special awards. As applicable, you are restricted from being a Unit Orderly.
2. Effective immediately, you are limited to spending no more than \$25.00 per month in the Commissary. You are also restricted from making Special Purchases. This monthly Commissary spending limitation is more stringent than the monthly Commissary spending limitation set for all other inmates.
3. Effective immediately, you will be quartered in the lowest housing status. You are restricted from occupying a bottom bunk unless you have an official permanent medical bottom bunk slip. Should you be given a temporary bottom bunk slip, you will be immediately moved from the bottom bunk upon expiration of the slip. Given your lowest housing status, you are subject to move as unit housing needs deem necessary.
4. You will not be considered or placed in such Community Based Programs as Satellite Camp placement or Community Treatment Center Placement (a.k.a.: Halfway House). In addition, you will be considered for emergency medical furloughs only.
5. You will not receive a Release Gratuity.
6. This will effect your eligibility for participation in the Residential Drug Abuse Program (RDAP). You will be ineligible to participate in RDAP early release incentives and Halfway House placement.
7. Your Custody Classification Form (BP-15) has been changed to reflect "poor" responsibility. This change will result in the addition of 2 - 4 points to your current BP-15 point level.

8. The U.S. Probation Department will be notified of your failure to participate in the FRP Program. Such notification may adversely affect your current Parole eligibility status.
9. As applicable, the U.S. Parole Commission will be notified of your failure to participate in the FRP Program. Such notification may adversely affect your current Parole eligibility status.
10. You will not be considered for a "Nearer Release" transfer, if otherwise eligible.

Please note that the above restrictions will remain in effect until the next FRP payment is due or until you adequately demonstrate your willingness to pay your financial obligations in accordance with established guidelines.

Should you have any questions regarding the aforementioned, please see your assigned Unit Counselor.

cc: Central File  
RDAP Coordinator  
Business Office/Commissary  
Work Detail Supervisor



**EXHIBIT 1j**



U.S. Department of Justice  
Federal Bureau of Prisons

# Program Statement

OPI: CPD  
NUMBER: 5880.28  
DATE: CN-06, 7/19/99  
SUBJECT: Sentence Computation  
Manual (CCA of 1984)

1. **PURPOSE AND SCOPE.** This Program Statement transmits the "Sentence Computation Manual" which establishes the policies and procedures for the computation of sentences imposed for violations of the United States Code under the statutes of the Comprehensive Crime Control Act of 1984 (CCCA).

On October 12, 1984, President Reagan signed the Comprehensive Crime Control Act of 1984 (CCCA) into law. Two major components of this law, the Sentencing Reform Act of 1984 (SRA) and the Insanity Reform Act of 1984, completely restructured the sentencing guidelines and policies of the United States Courts.

After the effective date of the SRA on November 1, 1987, a number of United States Court decisions found all or parts of the SRA unconstitutional. As a result, the SRA was implemented nationally in various ways.

On January 18, 1989, in Mistretta v. U.S., the Supreme Court considered the constitutionality of the sentencing guidelines and ruled that the guidelines were constitutional. This Manual provides instructions for computing sentences imposed under the CCCA both before and after the **Mistretta** decision.

## 2. **DIRECTIVES AFFECTED**

- a. **Directives Rescinded.** None.
- b. **Directives Referenced.** None.

**g. Good Conduct Time.** Subsection 3624(b) states, "(b) Credit toward service of sentence for satisfactory behavior.-- A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time it is received. Credit that has been vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence."

For computation purposes, it is necessary to remember the following about subsection 3624(b):

(1) 54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being

prorated for the last partial year. No GCT can be earned on, or awarded to, a sentence of one year or less.

(2) The BOP has 15 days after the end of each full year served to make a determination as to the amount of the 54 days that shall be awarded. If the BOP makes no decision about the amount of GCT to award in the 15 days at the end of the year just served, then the entire 54 days will be automatically credited to the sentence on the Vested Date. Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (both signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File. \*

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 (Good Conduct Time Action Notice) has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448 the disciplinary log copy shall be destroyed. Again, an updated copy of the

SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File.

\*

Once GCT has been credited, it vests and may not later be disallowed. If good cause exists (e.g., riot, food strike, work stoppage, etc.) or the prisoner commits an act of misconduct (See Program Statement on Inmate Discipline and Special Housing Units) that occurred during the prior year but does not become known until after the 15 day time limit has expired, however, then the GCT may be disallowed even though the time limit has been exceeded. In addition, if an act of misconduct is referred to the Discipline Hearing Officer (DHO) and the DHO is unable to dispose of the referral in the manner prescribed by the Program Statement on Inmate Discipline and Special Housing Units within the 15 days allowed, then the official award or disallowance of the GCT may be delayed for the period of time necessary to comply with that Program Statement.

In any case not covered in the preceding paragraph in which GCT is not disallowed within the proper time limit, the RISA should be contacted for instructions. \*

(3) GCT that is disallowed and that is not awarded from the maximum possible to award during the 15 day time limit, may not be awarded at a later time. If a disallowance of GCT is successfully appealed, or if the BOP has for some reason erroneously disallowed GCT, then the GCT may be credited at that time.

(4) The BOP has six weeks before the end of the sentence to make a determination about how much of the prorated GCT to award for the last portion of a year of the term of imprisonment. If the BOP makes no decision about the amount of GCT to award in the last six weeks of the sentence, then the entire amount possible to award for that period of time will be automatically credited to the sentence on the last day of the sentence (date of release and Vested Date). Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File.

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448

\* the disciplinary log copy shall be destroyed. Again, an updated

copy of the SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File. \*

(5) An action to delay, disallow or suspend the award of some or all of the GCT for a decision at a later time that is not within the 15 day, or six week, consideration time periods is not authorized.

For release purposes, subsection 3624(b) is the most important provision in the computation process since the proper application of that subsection determines the actual statutory date of release for the prisoner. The release date is determined, of course, by subtracting the total amount of GCT awarded during the term of the sentence from the full term date of the sentence. The total amount of GCT awarded during the term of a sentence is found by adding the amount of GCT awarded at the end of each year to the amount of GCT awarded for the last portion of a year.

As noted in (1) above, 54 days of GCT may be awarded for each full year served on a sentence in excess of one year. Since 54 days of GCT per year cannot be divided evenly into one year, or 12 months, or 52 weeks, or 365 days, determining the amount of GCT that may be awarded for the last portion of a year on the sentence becomes arithmetically complicated. The BOP has developed a formula (hereinafter called the "GCT formula") that

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best conforms to the statute when calculating the maximum number of days that may be awarded for the time served during the last portion of a year on the sentence.

The GCT formula is based on dividing 54 days (the maximum number of days that can be awarded for one year in service of a sentence) into one day which results in the portion of one day of GCT (continued on next page)



that may be awarded for one day served on a sentence. 365 days divided into 54 days equals .148. Since .148 is less than one full day, no GCT can be awarded for one day served on the sentence. Two days of service on a sentence equals .296 (2 x .148) or zero days GCT; three days equals .444 (3 x .148) or zero days GCT; four days equals .592 (4 x .148) or zero days GCT; five days equals .74 (5 x .148) or zero days GCT; six days equals .888 (6 x .148) or zero days GCT; and seven days equals 1.036 (7 x .148) or 1 day GCT. The fraction is always dropped.

Since, in accordance with the statute (18 USC § 3624(b)), no GCT can be awarded to a sentence of one year or less, then the very shortest sentence that can be awarded GCT is a sentence of 1 year and 1 day. Because a prisoner would accrue GCT while serving a sentence of 1 year and 1 day and, therefore, serve something less than the full sentence, it would be impossible to accrue the full 54 days of GCT for a sentence of 1 year and 1 day. As a result, the GCT formula previously discussed must be utilized as shown below to determine the amount of GCT to award for a partial year. This method of calculating the GCT possible to award for the last portion of a year of a sentence to be served must be followed in all partial year calculations. (For the purpose of this demonstration, the sentence of 1 year and 1 day equals 366 days.)

Step No. 1

Sentence = 366 - 54 = 312 days

312 days served does not equal 54 days of GCT but does equal 46 days.

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Step No. 2

Days Served =  $312 \times .148 = 46.176 = 46$  days GCT

Subtracting 46 days from the sentence of 366 days results in 320 days to be served.

Step No. 3

Sentence =  $366 - 46 = 320$  days

46 days of GCT is not enough because 46 plus 312 days to be served equals a sentence of 358 days, 8 days short of a sentence of 366 days (1 year and 1 day).

Step No. 4

Time Served =  $312 + 46 = 358$  days

Comparing 320 days to serve, which is too much time to serve, with 312 days to serve, which is not enough time to serve, reveals that the amount of GCT that can be earned must fall somewhere between 54 and 46 days. As a result, the next step is to determine how much GCT can be earned on 320 days served.

Step No. 5

Time Served =  $320 \times .148 = 47.36 = 47$  days GCT

Subtracting 47 days from the sentence of 366 days (1 year and 1 day) results in 319 days to be served.

Step No. 6

Sentence =  $366 - 47 = 319$  days

Utilizing the GCT formula, it is learned that 319 days served equals 47 days GCT.

Step No. 7

Time Served =  $319 \times .148 = 47.212 = 47$  days GCT

Adding 319 days time served to 47 days GCT does equal a sentence of 366 days (1 year and 1 day).

Step No. 8

Time Served = 319 + 47 = 366 days

The amount of GCT that can be awarded for a sentence of 366 days (1 year and 1 day) is 47 days.

The steps that were followed in the preceding example must be followed in every instance when it is necessary to determine the amount of GCT that can be awarded for a partial year served on a sentence. A short version of the preceding eight steps is shown below.

$$\begin{aligned} 366 \times .148 &= \underline{54.168} \quad (366 + 54 = 420) \\ 366 - 54 &= 312 \times .148 = \underline{46.176} \quad (312 + 46 = 358) \\ 366 - 46 &= 320 \times .148 = \underline{47.36} \quad (320 + 47 = 367) \\ 366 - 47 &= 319 \times .148 = \underline{47.212} \quad (319 + 47 = 366) \end{aligned}$$

Thus--319 days actually served plus 47 days of GCT equals 366 days, or a sentence of 1 year and 1 day.

There is one exception to the "fraction is always dropped" rule. For instance, if the partial year remaining on a sentence equals 7 days and if the full 7 days were served, then 1 day of GCT credit ( $7 \times .148 = 1.036 = 1$  day) could be awarded. If the 1 day is awarded, however, then only 6 days would actually be served on the final 7 days and for 6 days served no GCT ( $6 \times .148 = \underline{.888} = 0$  days) would be authorized. This arithmetical conflict occurs each time that the actual time to serve plus the GCT equals 1 day less than that final portion of the year remaining on the sentence. For example, applying the GCT formula to a final portion of a year of 294 days results in the following calculation.

$$\begin{aligned}
 294 \times .148 &= \underline{43.512} \quad (294 + 43 = 337) \\
 294 - 43 &= 251 \times .148 = \underline{37.148} \quad (251 + 37 = 288) \\
 294 - 37 &= 257 \times .148 = \underline{38.036} \quad (257 + 38 = 295) \\
 294 - 38 &= 256 \times .148 = \underline{37.888} \quad (256 + 37 = 293)
 \end{aligned}$$

As you can see from above, the GCT formula does not produce a result that will allow the number of days actually served plus the GCT to equal 294 days. Since it is to the advantage of the prisoner to award an additional full day for 37.888 days (38 days instead of 37 days) of GCT in such a situation, the BOP will award that additional 1 full day even though the time served results in a fraction (.888 in this case) short of a full day. (See Good Conduct Time Chart)

It is essential to learn that GCT is not awarded on the basis of the length of the sentence imposed, but rather on the number of days actually served. In other words, when the GCT awarded plus the number of days actually served equals the days remaining on the sentence, then the prisoner shall be released on the date arrived at in the computation process (days remaining on sentence - (GCT + days served) = release date). The following example demonstrates the computation process for determining a final release date on a sentence with 355 days remaining and that has a 10-10-91 date of release prior to the award of GCT.

$$\begin{aligned}
 355 \times .148 &= \underline{52.54} \quad (355 + 52 = 407) \\
 355 - 52 &= 303 \times .148 = \underline{44.844} \quad (303 + 44 = 347) \\
 355 - 44 &= 311 \times .148 = \underline{46.028} \quad (311 + 46 = 357) \\
 355 - 46 &= 309 \times .148 = \underline{45.172} \quad (309 + 45 = 354) \\
 355 - 45 &= 310 \times .148 = \underline{45.88} \quad (310 + 45 = \underline{355})
 \end{aligned}$$

$$\begin{aligned}
 \text{Release Date} &= 10-10-91 = 19276 \\
 \text{GCT} &= \underline{-00045} \\
 \text{Final Release Date} &= 08-26-91 = 19231
 \end{aligned}$$

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Based on the partial year formula, any sentence that equals 418 days (e.g., 1 year, 1 month and 21 days) through 425 days (e.g., 1 year, 1 month and 29 days), can receive 54 days of GCT. Beginning with sentences that equal 426 days, more than 54 days of GCT can be awarded. As a result, any sentence that exceeds 425 days will require an Anniversary Date and a prorated year computation.

Now that the method for finding the release date for a partial year has been shown, the following example demonstrates the calculation of a sentence of 1 year and 1 month with no jail time credit or inoperative time.

Date Sentence Began	90-06-23	
Sentence Length	= + <u>01-01-00</u>	
Full Term Date	91-07-22*	= 19196
Date Sentence Began	90-06-22*	= - <u>18801</u>
Days Remaining		395

395 x .148 = <u>58.46</u>	(395 + 58 = 453)
395 - 58 = 337 x .148 = <u>49.876</u>	(337 + 49 = 386)
395 - 49 = 346 x .148 = <u>51.208</u>	(346 + 51 = 397)
395 - 51 = 344 x .148 = <u>50.912</u>	(344 + 50 = 394)
395 - 50 = 345 x .148 = <u>51.06</u>	(345 + 51 = <u>396</u> )

You will note that the GCT formula does not allow the GCT plus the days served (344 + 50 = 394 and 345 + 51 = 396) to equal the days remaining on the sentence (395). As a result, in accordance with the exception to always "dropping the fraction" rule, 51 days of GCT is awarded for the partial year rather than 50 days.

enter the number of days of Good Conduct Time into SENTRY on the Vested Date, or the last normal work day prior to the Vested Date.

e. If a Good Conduct Time Action Notice (BP-448) has not been received by the Vested Date, then the Disciplinary Log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the J&C File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448, the disciplinary log copy shall be destroyed.

f. For partial year awards, ISM staff will enter the final GCT award into SENTRY on the inmate's release date prior to the final satisfaction of the sentence. The final GCT award should be made on the inmate's release date, or the work day preceding the release date since awards of GCT are vested and may not later be disallowed. If the time remaining on the sentence is less than a year, a prorated amount of Good Conduct Time will be entered into SENTRY. This also includes shorter sentences up to and including a sentence of 417 days (usually equaling 1 year, 1 month and 1 day), which do not earn the full amount of 54 GCT days, but earn a lesser prorated amount. Inmates serving SRA sentences are not eligible for lump sum awards of GCT.

g. Community Corrections staff will perform the above procedures for prisoners in community correction centers. The Disciplinary Log need not be produced for prisoners who are boarded out to state facilities or who are serving their sentences concurrently in a state facility. \*

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## GOOD CONDUCT TIME CHART

Days Remaining On Final Portion Of Sentence	Maximum GCT Available	Days Actually Served	Days Remaining On Final Portion Of Sentence	Maximum GCT Available	Days Actually Served
337 Days	43 GCT	294 Days	379 Days	48 GCT	331 Days
338 Days	43 GCT	295 Days	380 Days	49 GCT	331 Days
339 Days	43 GCT	296 Days	381 Days	49 GCT	332 Days
340 Days	43 GCT	297 Days	382 Days	49 GCT	333 Days
341 Days	44 GCT	297 Days	383 Days	49 GCT	334 Days
342 Days	44 GCT	298 Days	384 Days	49 GCT	335 Days
343 Days	44 GCT	299 Days	385 Days	49 GCT	336 Days
344 Days	44 GCT	300 Days	386 Days	49 GCT	337 Days
345 Days	44 GCT	301 Days	387 Days	50 GCT	337 Days
346 Days	44 GCT	302 Days	388 Days	50 GCT	338 Days
347 Days	44 GCT	303 Days	389 Days	50 GCT	339 Days
348 Days	44 GCT	304 Days	390 Days	50 GCT	340 Days
349 Days	45 GCT	304 Days	391 Days	50 GCT	341 Days
350 Days	45 GCT	305 Days	392 Days	50 GCT	342 Days
351 Days	45 GCT	306 Days	393 Days	50 GCT	343 Days
352 Days	45 GCT	307 Days	394 Days	50 GCT	344 Days
353 Days	45 GCT	308 Days	395 Days	51 GCT	344 Days
354 Days	45 GCT	309 Days	396 Days	51 GCT	345 Days
355 Days	45 GCT	310 Days	397 Days	51 GCT	346 Days
356 Days	46 GCT	310 Days	398 Days	51 GCT	347 Days
357 Days	46 GCT	311 Days	399 Days	51 GCT	348 Days
358 Days	46 GCT	312 Days	400 Days	51 GCT	349 Days
359 Days	46 GCT	313 Days	401 Days	51 GCT	350 Days
360 Days	46 GCT	314 Days	402 Days	51 GCT	351 Days
361 Days	46 GCT	315 Days	403 Days	52 GCT	351 Days
362 Days	46 GCT	316 Days	404 Days	52 GCT	352 Days
363 Days	46 GCT	317 Days	405 Days	52 GCT	353 Days
364 Days	47 GCT	317 Days	406 Days	52 GCT	354 Days
365 Days	47 GCT	318 Days	407 Days	52 GCT	355 Days
366 Days	47 GCT	319 Days	408 Days	52 GCT	356 Days
367 Days	47 GCT	320 Days	409 Days	52 GCT	357 Days
368 Days	47 GCT	321 Days	410 Days	52 GCT	358 Days
369 Days	47 GCT	322 Days	411 Days	53 GCT	358 Days
370 Days	47 GCT	323 Days	412 Days	53 GCT	359 Days
371 Days	47 GCT	324 Days	413 Days	53 GCT	360 Days
372 Days	48 GCT	324 Days	414 Days	53 GCT	361 Days
373 Days	48 GCT	325 Days	415 Days	53 GCT	362 Days
374 Days	48 GCT	326 Days	416 Days	53 GCT	363 Days
375 Days	48 GCT	327 Days	417 Days	53 GCT	364 Days
376 Days	48 GCT	328 Days	418 Days	54 GCT	364 Days
377 Days	48 GCT	329 Days	419 Days	54 GCT	365 Days
378 Days	48 GCT	330 Days	420 Days	54 GCT	366 Days

**EXHIBIT 1k**



REGISTER NO: 03421-068 NAME...: TAYLOR, KEVIN  
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO \_\_\_ MOS PRIOR TO 03-03-2005  
RSP OF: DEV-DEVENS FMC

-----  
REPORT NUMBER/STATUS.: 101875 - SANCTIONED INCIDENT DATE/TIME: 09-02-1992 1555  
DHO HEARING DATE/TIME: 09-15-1992 1015  
FACL/CHAIRPERSON.....: LEW/EMORY, D.  
APPEAL CASE NUMBER(S): 36678  
REPORT REMARKS.....: GUILTY OF CODES 312/307  
307 REFUSING TO OBEY AN ORDER - FREQ: 1  
DS / 15 DAYS / CS  
COMP: LAW:  
LOSE PRIV / 3 MONTHS / CS / SUSPENDED 180 DAYS  
COMP: LAW: LOSS OF COMMISSARY FOR 3 MONTHS - SUSPENDED PENDIN  
180 DAYS CLEAR CONDUCT  
312 BEING INSOLENT TO STAFF MEMBER - FREQ: 1  
DS / 15 DAYS / CS  
COMP: LAW:

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 03421-068 NAME.: TAYLOR, KEVIN  
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO \_\_\_\_ MOS PRIOR TO 03-03-2005  
RSP OF: DEV-DEVENS FMC

-----  
REPORT NUMBER/STATUS.: 85046 - SANCTIONED INCIDENT DATE/TIME: 05-27-1992 1645  
DHO HEARING DATE/TIME: 06-18-1992 0900  
FACL/CHAIRPERSON.....: LEW/ZIMANY R  
APPEAL CASE NUMBER(S): 32549  
REPORT REMARKS.....: INMATE FOUND GUILTY AS CHARGED  
206 MAKING SEXUAL PROPOSAL/THREAT - FREQ: 1 ATI: ???  
DIS GCT / 20 DAYS / CS  
COMP: LAW:  
DS / 30 DAYS / CS / SUSPENDED 180 DAYS  
COMP: LAW: SUSPENDED PENDING 180 DAYS CLEAR CONDUCT

G0002 MORE PAGES TO FOLLOW . . .

REGISTER NO: 03421-068 NAME...: TAYLOR, KEVIN  
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO \_\_\_\_ MOS PRIOR TO 03-03-2005  
RSP OF: DEV-DEVENS FMC

-----  
REPORT NUMBER/STATUS.: 56526 - SANCTIONED INCIDENT DATE/TIME: 11-30-1991 1605  
UDC HEARING DATE/TIME: 12-02-1991 0950  
FACL/UDC/CHAIRPERSON.: RBK/NIA/SCOTT GL  
APPEAL CASE NUMBER(S): 23469  
REPORT REMARKS.....: INMATE FOUND GUILTY AS CHARGED.  
321 INTERFERING WITH TAKING COUNT - FREQ: 1  
RESTR QTRS / 7 DAYS / CC  
COMP: LAW:

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

# **EXHIBIT 11**

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

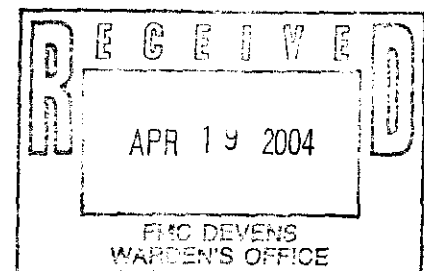
From: T. L. L. 10121-002 AD FMC - DE  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A- INMATE REQUEST** Administrative Remedy because my Unit Team Counselor had violated Program Statement on Fine where he declared me FRP refusal though there is no "direction from the Court concerning when an obligation should be collected." See PS 5380-07, 1/3/00, Pg. 8, paragraph 5; also see "Judgment & Commitment" order which does not indicate by the "COURT" that my fine should be paid immediately. Because the program statement requires the COURT to give such direction concerning an obligation to pay while incarcerated and since such policy does not mention the government (financial litigation attorney) as being able to give direction to Unit staff to collect payment for a fine when the counselor reliance on the government, instead of the COURT to determine whether ~~XXXX~~ my fine is to be collected immediately was in violation of BOP policy. I should be exempted from FRP until Unit staff contact the court for clarification. Thus, administrative remedy should be granted.

4-13-04  
DATE

Kevin Sander  
SIGNATURE OF REQUESTER

**Part B- RESPONSE**



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 30124-1

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

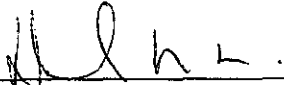
FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS  
RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #331704-F1

This is in response to your Request for Administrative Remedy in which you allege your Counselor violated the policy on the Inmate Financial Responsibility Program (FRP) by keeping you in FRP Refuse status.

An investigation revealed you have been on FRP refuse status continuously since June 1, 2001. In addition, your file contains correspondence directed to you from the United States Attorney's Office, Western District of Pennsylvania, Financial Litigation Unit, dated October 16, 2002. In this correspondence, you are informed of your liability to pay your court ordered fine of \$10,000.00 during incarceration and extending 20 years after your release. Furthermore, you were informed an additional 15 percent penalty was assessed due to your failure to make appropriate payments. A review of your inmate account data reveals you have received \$876.25 in deposits during the past six months. Furthermore, you have a current account balance of \$930.15. Since you have failed to make a payment toward your court ordered obligations, and you possess financial resources to make a payment, your Counselor has taken appropriate action. If you agree to make a payment commensurate with an appropriate financial plan, and make such payment, you will be placed in FRP Participates status accordingly.

Based upon the above facts, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at the: Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7<sup>th</sup> Floor, 2<sup>nd</sup> and Chestnut Streets, Philadelphia, Pennsylvania 19106. Your appeal must be received in the Northeast Regional Office within 20 days from the date of this response.

  
\_\_\_\_\_  
David L. Winn, Warden

5/3/41  
Date

# **EXHIBIT 1m**

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Taylor, Kevin 02421-068 W-2 P4C-Ft Devens  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A-REASON FOR APPEAL** The Regional Administrative Remedy appeal is respectfully submitted to appeal the Warden's erroneous findings of the facts and clear misinterpretation of Program Statement 5380-07, paragraph 5, page 8. First, the Warden erroneously relied upon the United States Attorney's Office Financial Litigation Unit ("U.S. Att. Off. Financial Litgtn Unit") and a previous Federal Institution statements that the fine should be paid immediately while incarcerated. However, neither agencies (U.S. Att. Off. Financial Litigation Unit or previous institution staffs') determination to paid the fine complies with policy that explicitly states and requires only the "Court"- that mean- the "JUDCN" must give the direction concerning the obligation to pay the fine while incarcerated. See PS 5380-07, paragraph 5, 1-3-00, pg. 8. Second, since the facts (Judgment & Commitment Order) show that the "Court" did not indicate immediate payment the fine does not have to be paid during incarceration. See Judgment & Commitment Order; see also Memorandums (U.S.P. Doc POC, Lewisburg, and PCIs McKean, Cumberland and Allenwood who contact the court but the judge was declined to amend the J & C order to indicate immediate payments. Therefore, my exempt status should be reinstated and the fine will be paid on supervised release.

5-7-04  
DATE

*Kevin Taylor*  
SIGNATURE OF REQUESTER

**Part B-RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 02421-068-51

**Part C-RECEIPT**

CASE NUMBER: 02421-068-51

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

USP LVN DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)  
APRIL 1982



TAYLOR, Kevin

Reg. No. 03421-068

Appeal No. 331704-R1

Page One

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**Part B - Response**

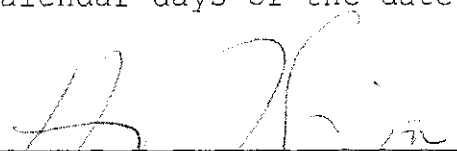
In your appeal, you claim the Warden at FMC Devens misinterpreted Program Statement 5380.07, Inmate Financial Responsibility Program, when he relied upon the United States Attorney's Office Financial Litigation Unit and a previous institution's statement that your fine must be paid during your confinement. You state the Bureau of Prisons and the Financial Litigation Unit lack the authority to collect financial obligations imposed by the court. As relief, you request to be removed from FRP Refusal status and returned back to FRP Exempt status.

Program Statement 5380.07, Inmate Financial Responsibility Program, states the inmate's effort toward fulfilling those obligations imposed by the Court are indicative of the inmate's acceptance and demonstrated level of responsibility. The Bureau has established procedures to encourage inmates to contribute toward court-ordered financial obligations while incarcerated. Although the participation by the inmate is voluntary, encouraging payment of court-ordered financial obligations is consistent with promoting responsibility in inmates. Those inmates who choose not to participate in the program demonstrate poor responsibility and are held accountable for their inactions.

You were ordered by the court to pay a \$10,000.00 fine immediately. As conveyed to you by the Warden, your file contained correspondence from the United States Attorney's Office, Western District of Pennsylvania, Financial Litigation Unit, dated October 16, 2002, which indicated you owed the fine during your period of confinement. You expressed to staff that you had no intention of paying the fine. As such, you were appropriately placed in FRP Refuse status. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: June 7, 2004

  
D. SCOTT DODRILL  
Regional Director

# **EXHIBIT 1n**

A CHARGE SHEET OF PRISONS

Type or use ballpoint pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Taylor, Kevin #03421-068 J-B FMC-Devens

LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A—REASON FOR APPEAL

This B.P.-11 is being filed to appeal the Regional Director's denial of Administrative Remedy.

The Regional Director erroneously found that the United States Attorney's Office, financial litigation unit letter of October 16, 2002, was sufficient order to indicate that this inmate must pay the fine immediately, which further violates P.S. 5380.07, paragraph 5, page 8. First, there is no documented information in the Judgment and Commitment Order to indicate immediate payment of fine as required by the policy, nor is the government financial litigation unit a court to order the ~~xxx~~ immediate payment of such fine as required by policy. Further, the inmate still rely on the same contentions alleged in the B.P.-08, B.P.-9 and B.P.-10 for administrative remedy.

6-14-04

DATE

Kevin Taylor

SIGNATURE OF REQUESTER

## Part B—RESPONSE

DATE

FIRST COPY: WASHINGTON FILE COPY

JUN 2 2004

AUG -9 2004

GENERAL COUNSEL

CASE NUMBER

331704-43

## Part C—RECEIPT

JUL 14 2004

CASE NUMBER

Return to: LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

USP LWV

BP-231(13)  
APRIL 1982

**Administrative Remedy No. 331704-A3**  
**Part B - Response**

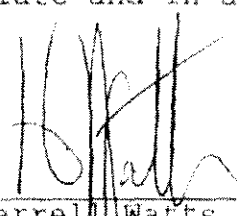
This is in response to your Central Office Administrative Remedy Appeal in which you contend the Bureau of Prisons has no authority to collect your court ordered financial obligations. You request to be removed from IFRP Refuse status and placed in IFRP Exempt status.

Our review reveals the Warden and Regional Director adequately responded to the issues raised in your appeal. Program Statement 5380.07, Financial Responsibility Program, Inmate, establishes a voluntary program through which inmates work with staff to develop a plan to meet their financial obligations, including court ordered assessments, costs, and restitution. One of the primary goals of the IFRP is to further rehabilitation through encouraging financial responsibility. The IFRP was developed in response to laws which require all law enforcement agencies to make a diligent effort to collect court ordered financial obligations. The IFRP is a voluntary program, however, if an inmate chooses not to participate, he will be placed in IFRP REFUSE status and incur consequences. The consequences consist of the removal of privileges which are not guaranteed to the inmate by the U.S. Constitution (i.e., no outside work details, lowest housing status, no pay increases, etc.).

Records indicate were ordered by the sentencing Court to pay a \$10,000.00 fine. Records further indicate the United States Attorney's Office, Western District of Pennsylvania, has confirmed payment on your fine is due immediately. Under the IFRP, the Bureau is providing you with an opportunity to demonstrate financial responsibility by addressing your financial obligations as ordered by the court. P.S. 5380.07 indicates staff will assist an inmate in determining an appropriate payment plan by assessing the total amount of money in an inmate's trust fund account, excluding the telephone credits after subtracting the inmate's IFRP minimum payment schedule, but including money received from outside sources. You have refused to make payments on this financial obligation and, therefore, have been placed in IFRP Refuse status.

We find the actions of staff appropriate and in accordance with policy. Your appeal is denied.

*September 30, 2004*  
Date

  
\_\_\_\_\_  
Harrell Watts, Administrator  
National Inmate Appeals *ce*

# **EXHIBIT 10**

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

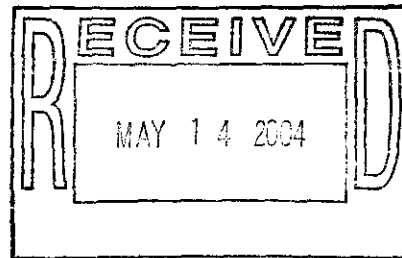
**Part A- INMATE REQUEST** -for administrative remedy to resolve the miscalculation of his sentence and statutory release date. See both inmate request and the B.P. 08. The computation of this inmate's sentence and release date is incorrect according to Program Statement 5100.07. See attached B.P. 08

According Program Statement 5100.07, chapter 6, a 240 month sentence under the sentencing reform act of 1984 calculate to 204 months, that is, 17 years, which the inmate's release date should be 1-3-06 instead of 1-28-06 since 85% of 240 month is 204. See attached B.P. 08

Therefore, administrative remedy should granted to correct the error in the calculation of this inmate's sentence and release date.

May 6, 2004  
 DATE

Kenn Taylor  
 SIGNATURE OF REQUESTER

**Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 2004-00000000

CASE NUMBER: \_\_\_\_\_

**Part C- RECEIPT**

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)


**FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS  
RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #335328-F1**

This is in response to your Request for Administrative Remedy in which you request your sentence computation be re-computed due to an incorrect release date according to your review of Program Statement 5100.07 Security Designation and Custody Classification Manual.

Investigation of your request reveals the following: Your sentence computation was computed correctly pursuant to Program Statement 5880.28 Sentence Computation Manual. Sentence computations are not computed using any other Program Statement other than Program Statement 5880.28 Sentence Computation Manual. Your sentence computation correctly reflects the date your sentence began as June 28, 1989, your term in effect as twenty years, your prior custody credit as 174 days, and your projected good conduct time as 923 days to give you a projected release date of June 26, 2006.

Based on the information above, your request is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at: Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7<sup>th</sup> Floor, 2<sup>nd</sup> and Chestnut Streets, Philadelphia, Pennsylvania, 19106. Your appeal must be received in the Northeast Regional Office with 20 days of the date of this response.

  
\_\_\_\_\_  
David L. Winn, Warden

6/2/4  
\_\_\_\_\_  
Date

**EXHIBIT 1p**



U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Taylor, Kevin 03421-063 D-3 Prison

LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION
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**Part A—REASON FOR APPEAL**

This Regional Administrative Remedy Appeal is being filed to appeal the warden's erroneous findings and denial of the B.P.-09.

First, the warden erred in finding that my sentence correctly reflect the good time credit of 923 days for a sentence of twenty years. The warden further erred in finding that my release date is June 26, 2006.

According to Program Statement 5100.07, chapter 6, page 8, 84 is required to compute my 240 months sentence into 85%, by determining 85% of 240 months. That, 85% of 240 months comes to 204 months, which is also 17 years. Then computing my jail time credit of 174 days with the 204 months then the remainder of my sentence is 198 months and 6 days (i.e., 198.6). Therefore, my projected release date should be 1-3-06, since 198.6 months commenced on 6-28-89. also see the B.P.-09; B.P.-09, and the Inditor Request (Copy-out)

Second, my good-time credit should reflect 1080 days instead of 923 days, since 44 multiplied by 20 equals 1080, which also equals 36 months. Subtract 36 months from 240 months equals 204 months. ~~XXXXXX~~

6-8-04

DATE

Kevin Taylor

SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 03421-063**Part C—RECEIPT**CASE NUMBER: 03421-063

Return to: Taylor, Kevin 03421-063 D-3 Prison

LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION
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SUBJECT: \_\_\_\_\_

USP LVN

DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)  
APRIL 1992

TAYLOR, Kevin  
Reg. No. 03421-068  
Appeal No. 335328-R1  
Page One

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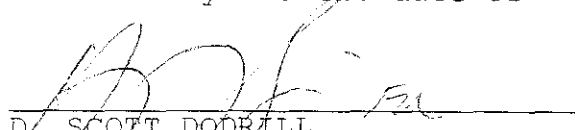
Part B - Response

You appeal the decision of the Warden at FMC Devens to deny your request to recalculate your sentence. You state you are not receiving the correct amount of good conduct time (GCT). You contend the GCT should be computed by using the sentence imposed, not the time served.

A review of our records reveals you are serving a sentence of 20 years imposed on June 28, 1989, for offenses you committed on January 5, 1989. The version of § 3624(b) authorizing the Bureau to award GCT in your case provided the following. "A prisoner who is serving a term of imprisonment of more than one year, other than [life], shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with ... institutional regulations.... Credit for the last year or portion of a year of the term of imprisonment shall be prorated...." The interpretation of § 3624(b) by the Bureau in Program Statement 5880.28, Sentence Computation Manual CCCA, Pages 1-40 and 1-41 mirrors the statute: and states: "54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being prorated for the last partial year." The statute requires credit after the actual service of a year. The Bureau reasonably interpreted this part of the statute to require properly awarded 54 days GCT be subtracted from the remainder of the sentence, not from the year already served. If the Bureau computed GCT in the manner you request as relief, then the Bureau would violate the statutory mandate that the GCT be awarded at the end of each year of imprisonment. The institution correctly determined your eligibility for GCT. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: July 12, 2004

  
D. SCOTT DODRILL  
Regional Director

**EXHIBIT 1q**

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A—REASON FOR APPEAL**

The Central Office Administrative Remedy Appeal was filed to appeal the erroneous timing of the Regional Director's and the denial of the S.P. #10.

The calculation of my good-time is correct which I should receive 1000 for a term of twenty years. The calculation of good time by the S.P. is conflicting with the United States Congress' intent that I served 85% of my sentence which is 17 years. See attached S.P. 9, 10.

Because the S.P. is making me served more than 85% of my sentence than the S.P. had incorrectly calculated my good time. See attached S.P. 9 and 10.

Administrative remedy should be granted which my projected release date should be January 3, 2006. See attached S.P. 9 and 10.

July 26 2004  
 DATE

Kevin S. S. S.  
 SIGNATURE OF REQUESTER

**Part B—RESPONSE**

DATE \_\_\_\_\_ GENERAL COUNSEL \_\_\_\_\_  
 THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE CASE NUMBER: 25025-11

**Part C—RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL \_\_\_\_\_

Administrative Remedy No. 335328-A1

## Part B - Response

You contend the Bureau of Prisons has incorrectly calculated the amount of Good Conduct Time you may earn during your term of imprisonment.

You are serving a sentence of 20 years imposed on June 28, 1989, for an offense committed on January 5, 1989. The version of § 3624(b) authorizing the Bureau to award GCT in your case provided the following. "A prisoner who is serving a term of imprisonment of more than one year, other than [life], shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with . . . institutional regulations . . . Credit for the last year or portion of a year of the term of imprisonment shall be prorated . . ." The interpretation of § 3624(b) by the Bureau is contained in 28 CFR § 523.20, which provides that "an inmate earns 54 days credit toward service of sentence (good conduct time credit) for each year served. This amount is prorated when the time served by the inmate for the sentence during the year is less than a full year." The method of calculation is set forth in Program Statement 5880.28, Sentence Computation Manual CCCA, pgs. 1-40 and 1-41: "54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being prorated for the last partial year." BOP interprets the statute to require deduction of the time served (one year) and good conduct time earned (up to 54 days) off your sentence at the end of the actual service of each year. As each year of actual service ends, another deduction is made for the time served and good conduct time earned for the year. Good conduct time is awarded proportionally based on actual time served in the last partial year. The Bureau has reasonably interpreted this statute to require properly awarded good conduct time to be subtracted from the remainder of the sentence, not from the year already served. If the Bureau computed GCT in the manner you request as relief, then it would violate the statutory mandate that the GCT be awarded at the end of each year of the prisoner's term of imprisonment. The institution properly computed your sentence and correctly applied BOP's method for awarding good conduct time.

Your appeal is denied.

August 26, 2004  
Date

for Helia D. Lewis  
Harrell Watts, Administrator  
National Inmate Appeals  
for

# EXHIBIT 1r



U.S. Department of Justice  
Federal Bureau of Prisons

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# Program Statement

OPI: CPD  
NUMBER: 5380.07  
DATE: 1/3/2000  
SUBJECT: Financial Responsibility  
Program, Inmate

RULES EFFECTIVE: 1/27/2000

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1. **[PURPOSE AND SCOPE §545.10.** The Bureau of Prisons encourages each sentenced inmate to meet his or her legitimate financial obligations. As part of the initial classification process, staff will assist the inmate in developing a financial plan for meeting those obligations, and at subsequent program reviews, staff shall consider the inmate's efforts to fulfill those obligations as indicative of that individual's acceptance and demonstrated level of responsibility. The provisions of this rule apply to all inmates in federal facilities, except: Study and observation cases, pretrial detainees, and inmates in holdover status pending designation.]

The Victim and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Comprehensive Crime Control Act of 1984, and the Federal Debt Collection Procedures Act of 1990 require a diligent effort on the part of all law enforcement agencies to collect court-ordered financial obligations.

2. **SUMMARY OF CHANGES.** Significant changes in this revision include:

- Unit Team discretion in postponing a newly committed Federal inmate's participation in the Inmate Financial Responsibility Program (IFRP) until the first program review.
- Outlines expiration dates for financial obligations.
- A commissary spending limitation for IFRP "REFUSE" status inmates of at least \$25 per month, excluding purchases of stamps, telephone credits, and, if applicable, Kosher/Halal certified shelf-stable entrees.

**[Bracketed Bold - Rules]**

Regular Type - Implementing Information

PS 5380.07

1/3/2000

Page 2

- Instructs staff on identifying excess monies in the inmate's account and to encourage inmates to apply these monies toward financial obligations.
- Expanded definition of "EXEMPT TMP" status.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. All sentenced inmates with financial obligations will develop, with the assistance of staff, a financial plan to meet those obligations.

b. Each financial plan will be monitored effectively to ensure satisfactory progress is being made.

c. Appropriate consequences will be incurred for inmates who refuse to participate in the Inmate Financial Responsibility Program or fail to comply with provisions of their financial plan.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5380.05 Financial Responsibility Program, Inmate  
(12/22/95)

b. **Directives Referenced**

PS 2000.02 Accounting Management Manual (10/15/86)  
PS 4500.04 Trust Fund Management (12/15/95)  
PS 5180.04 Central Inmate Monitoring System (8/16/96)  
PS 5251.05 Work and Performance Pay Program, Inmate  
(12/31/98)  
PS 5264.06 Telephone Regulations for Inmates (12/22/96)  
PS 5280.08 Furloughs (2/4/98)  
PS 5290.11 Admission and Orientation Program (3/5/98)  
PS 5321.06 Unit Management (7/31/96)  
PS 5322.11 Classification and Program Review of Inmates  
(3/11/99)  
PS 5330.10 Drug Abuse Programs Manual, Inmate (5/25/95)  
PS 5380.03 Cost of Incarceration Fee (6/2/95)  
PS 5800.11 Central File, Privacy Folder and Parole Mini-  
Files (9/8/97)  
PS 5803.07 Progress Reports (3/16/98)  
PS 5873.05 Release Gratuities, Transportation, and  
Clothing (9/4/96)  
PS 5882.03 Fines and Costs (5/28/98)



PS 5380.07

1/3/2000

Page 3

PS 7310.04 Community Corrections Center (CCC)  
Utilization and Transfer Procedure (12/16/98)  
PS 8120.01 FPI Work Programs for Inmates (3/27/95)

c. Rules cited in this Program Statement are contained in  
28 CFR 545.10-11.

**5. STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for  
Adult Correctional Institutions: None

b. American Correctional Association 3rd Edition Standards for  
Adult Local Detention Facilities: None

c. American Correctional Association 2nd Edition Standards for  
Administration of Correctional Agencies: None

d. American Correctional Association Standards for Adult  
Correctional Boot Camp Program: None.

**6. PRETRIAL, HOLDOVER AND/OR DETAINEE PROCEDURES.** Procedures  
specified in this Program Statement do not apply to pretrial or  
detainee inmates. Bureau holdover inmates housed in Bureau jail  
facilities who are in IFRP "REFUSE" status will be held to the  
same FRP restrictions (e.g. lowest housing, no special purchases,  
not eligible for community-based programs, etc.), as if they were  
at the institution designated for them.

**7. INMATE FINANCIAL RESPONSIBILITY PROGRAM (IFRP) COORDINATORS.**  
The Administrator, Correctional Programs Branch, Central Office,  
is to appoint a National IFRP Coordinator to act as a resource  
person for Bureau staff, other components of the Department of  
Justice, other law enforcement agencies, and the public.

Each Regional Correctional Programs Administrator is to appoint a  
Regional IFRP Coordinator to:

- act as a resource person,
- monitor institution programs, and
- provide quality control within that region.

Each Warden will appoint an Institution IFRP Coordinator to  
monitor all applicable IFRP assignments for inmates in the  
institution and ensure that IFRP information is provided to  
inmates during the Admission and Orientation Program.

PS 5380.07  
1/3/2000  
Page 4

8. **[PROCEDURES §545.11. When an inmate has a financial obligation, unit staff shall help that inmate develop a financial plan and shall monitor the inmate's progress in meeting that obligation.]**

Unit staff are responsible for entering data into the IFRP SENTRY module accurately using the IFRP SENTRY Technical Reference Manual. After an inmate signs a contract agreement, unit staff are to forward the original signed copy to the institution Office of Financial Management (OFM).

Staff are to encourage inmates to satisfy their obligations at the time of commitment or subsequently to earn compensation through UNICOR or other institution work assignments. The Unit Team may postpone a newly committed inmate's participation in the IFRP until his or her first program review, if staff determine the inmate has limited financial resources. This option may apply to inmates with lengthy sentences (e.g. five years or longer) and to inmates with limited financial resources.

**[a. Developing a Financial Plan. At initial classification, the unit team shall review an inmate's financial obligations, using all available documentation, including, but not limited to, the Presentence Investigation and the Judgment and Commitment Order(s). The financial plan developed shall be documented and will include the following obligations, ordinarily to be paid in the priority order as listed:**

**(1) Special Assessments imposed under 18 U.S.C. 3013;]**

A defendant's obligation to pay a special assessment ceases five years after the date judgment was imposed. Inmates who fail to pay their assessments during the five-year period become absolved of this responsibility. 18 U.S.C. § 3013(c)

**[(2) Court-ordered restitution;]**

When the court imposes restitution in **conjunction** with a special assessment, the inmate and unit team may develop a financial plan for satisfying the restitution **prior** to the special assessment, provided:

(a) Significant bodily injury to a victim occurred as a result of the offense; and/or

(b) Significant loss or destruction of property to a victim occurred as a result of the offense; and/or,

PS 5380.07  
1/3/2000  
Page 5

(c) The court, U.S. Attorney's Office, or other law enforcement agency in the jurisdiction where the offense occurred has requested it.

If the Judgment in a Criminal Case states that restitution is to be made directly to the victim, the payment(s) is still processed through the SENTRY IFRP module, and Financial Litigation staff will distribute the funds.

A defendant's obligation to pay restitution ceases 20 years after the inmate's release from incarceration for inmates convicted **on or after** April 24, 1996.

A defendant's obligation to pay restitution ceases on a circuit-by-circuit basis for inmates convicted **prior to** April 24, 1996. 18 U.S.C. § 3613(b)

**[(3) Fines and court costs;]**

The court may establish a payment schedule or a deferred payment date to satisfy an order of restitution or a fine. When the dates of the court-ordered payment schedule follow the period of incarceration, the financial plan should address any other financial obligations, while encouraging a savings plan to help meet future obligations.

A defendant's obligation to pay a fine ceases 20 years after the date judgment was imposed for inmates convicted **prior to** April 24, 1996.

A defendant's obligation to pay a fine ceases 20 years after the inmate's release from incarceration for inmates convicted **on or after** April 24, 1996. 18 U.S.C. § 3613(b)

**[(4) State or local court obligations; and]**

These may include child support, alimony, etc. Unit staff must obtain the court order or judgment that demonstrates the inmate's obligation. This document may be obtained from the U.S. Probation Officer or directly from the court issuing the order. A letter from the Court is not sufficient.

**[(5) Other federal government obligations.]**

Fees imposed under the provisions of Cost of Incarceration 18 U.S.C. § 4001, note, will be paid before other financial obligations included in this category. Other obligations included in this category are judgments in favor of the United

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States, as well as such obligations as student loans, Veterans Administration claims, tax liabilities, Freedom of Information/Privacy Act fees, etc.

In accordance with 18 U.S.C. § 3624(e), any inmate who has a term of supervised release and a fine relative to the offense under which he or she was committed, must agree to adhere to an installment schedule to pay any remaining balance on this fine while under release supervision. Any inmate who refuses to comply with 18 U.S.C. § 3624(e) must remain in Bureau custody.

The inmate must sign and unit staff are to witness the Agreement to Adhere to Installment Schedule Agreement for Unpaid Fines (Attachment A) no later than 60 days prior to the inmate's release from custody. The signed agreement is to be placed in the Inmate Central File (Section 1) and copies forwarded to the Inmate Systems Manager and the Supervising U.S. Probation Officer.

A consecutive sentence in which there is a court-imposed financial obligation **does not** relieve an inmate of satisfying that debt(s) prior to actually serving that sentence. He or she is to be placed in the appropriate IFRP status depending upon the unit team's assessment of the inmate's ability to pay based upon community resources and institution earnings. When an inmate is assessed interest on an obligation, staff will not enter the interest as an obligation until the principal has been paid.

Absent direction from the court concerning when an obligation should be collected, payments may begin during an inmate's period of incarceration. However, unit staff are to contact the U.S. Probation Office for clarification when it is unclear if the court-ordered obligation is to be paid while the inmate is in Bureau custody or as a condition of supervision.

**[b. Payment. The inmate is responsible for making satisfactory progress in meeting his/her financial responsibility plan and for providing documentation of these payments to unit staff. Payments may be made from institution resources or non-institution (community) resources. In developing an inmate's financial plan, the unit team shall first subtract from the trust fund account the inmate's minimum payment schedule for UNICOR or non-UNICOR work assignments, set forth below in paragraphs (b)(1) and (b)(2) of this section. The unit team shall then exclude from its assessment \$75.00 a month deposited into the inmate's trust fund account. This \$75.00 is excluded to allow the inmate the opportunity to better maintain telephone communication under the Inmate Telephone System (ITS).]**

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At each program review, when reviewing the inmate's financial plan, the unit team must:

- determine the total funds deposited into the inmate's trust fund account for the previous six months;
- subtract the IFRP payments made by the inmate during the previous six months; and
- subtract \$450 (i.e., \$75 x 6 months, ITS exclusion).

Any money remaining after the above computation may be considered for IFRP payments, regardless of whether the money is in the inmate's trust fund or phone credit account. All monies above that computation, may be used to adjust the inmate's IFRP payment plan.

**Note:** Once money has been transferred from the inmate's trust fund account to the inmate's phone credit account, this money may not be transferred back to the inmate's trust fund account, except as provided for in the Trust Fund/Warehouse/Laundry Manual. If an inmate's IFRP contract is adjusted due to a significant amount of incoming funds (above the \$450 exclusion) being deposited in the phone credit account, the inmate is to be encouraged to refrain from additional deposits to the phone credit account to accommodate the new IFRP payments.

**[(1) Ordinarily, the minimum payment for non-UNICOR and UNICOR grade 5 inmates will be \$25.00 per quarter. This minimum payment may exceed \$25.00, taking into consideration the inmate's specific obligations, institution resources, and community resources.]**

**[(2) Inmates assigned grades 1 through 4 in UNICOR ordinarily will be expected to allot not less than 50% of their monthly pay to the payment process. Any allotment which is less than the 50% minimum must be approved by the Unit Manager. Allotments may also exceed the 50% minimum after considering the individual's specific obligations and resources.]**

"Monthly pay" includes bonus and vacation pay. A recommendation for a lump sum award is to be forwarded from the detail supervisor to the unit team to note the inmate's IFRP status prior to forwarding to the Warden.

IFRP contracts for UNICOR inmates assigned grades 1 through 4 who earn less than \$50 per month should be set up for single or quarterly trust fund withdrawals (the unit team is to determine the frequency of payments; however, payments should not be

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monthly unless they are outside payments), until the inmate earns at least \$50 monthly in a UNICOR position. The payment should be for no less than \$25. When the inmate earns \$50 or more per month, the IFRP contract should be changed to stipulate 50% of the inmate's pay. Likewise, when payments exceed the 50% minimum for UNICOR inmates, an additional trust fund withdrawal or outside payment should be stipulated on the IFRP contract, since the IFRP module will only allow 50% deductions.

(3) Payments may be made in the following manner:

(a) **Non-Institutional Payments.** An inmate may use non-institutional (community) resources to satisfy a financial obligation. Ordinarily, these are "one-time" payments directly to the parties to whom the obligations are owed and are intended to satisfy obligations of significant amounts. It is the inmate's responsibility to ensure staff are provided with a receipt to confirm a payment from a community resource. Canceled checks are not sufficient.

Furthermore, unless exceptional circumstances warrant otherwise, the receipt for payment must be confirmed by the appropriate law enforcement agency (U.S. Attorney's Office, U.S. Probation Office, Clerk of Court, etc).

(b) **Single Payment.** When an inmate's total financial obligation is \$100 or less (for example, a Special Assessment) a single payment is preferred.

(c) **Monthly/Quarterly Repetitive Withdrawals.** Repetitive withdrawals from the inmate's Trust Fund Account will be used for **all** inmates who elect to make financial payments from institution earnings. By using the SENTRY program, unit staff **must** indicate if the repetitive payment is to be made monthly or quarterly. Quarterly repetitive payments should be requested only from non-UNICOR and UNICOR Grade 5 inmates. Repetitive withdrawals for UNICOR inmates Grades 1-4 are discussed below.

The OFM shall process quarterly repetitive payments **once** each quarter during the last month of each quarter (December, March, June and September). Any contract indicating quarterly repetitive payments OFM received during the first or second month of the quarter are to be held and processed during the last month of the quarter.

**[c. Monitoring. Participation and/or progress in the Inmate Financial Responsibility Program will be reviewed each time staff assess an inmate's demonstrated level of responsible behavior.]**

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At these reviews, the status of the payment plan and the inmate's degree of participation is to be reflected on the Program Review Report. Unit staff will indicate the total amount deposited into the inmate's trust fund account for the previous six months in the "FRP Plan/Progress" section of the Program Review Report form.

If an inmate is not making payments commensurate with these deposits, unit staff must also document the specific reasons. Unit staff may make positive comments regarding the inmate's FRP participation. Reports on the status of the inmate's participation are also to be reflected on his or her progress report.

When a progress report is prepared for release purposes, a statement as to how the inmate will continue the financial plan, if applicable, after release from custody is to be included.

**[d. Effects of Non-participation. Refusal by an inmate to participate in the financial responsibility program or to comply with the provisions of his financial plan ordinarily shall result in the following:**

**(1) Where applicable, the Parole Commission will be notified of the inmate's failure to participate;**

**(2) The inmate will not receive any furlough (other than possibly an emergency or medical furlough);]**

This restriction does not apply to inmates requiring medical furloughs and inmates with "OUT" or "COM" custody who are transferring from one institution to a minimum security level institution via an unescorted transfer.

**[(3) The inmate will not receive performance pay above the maintenance pay level, or bonus pay, or vacation pay;]**

The unit team is to consider institution needs, particularly for skilled workers. Such needs may require that an inmate with a financial obligation be assigned to a lower paying, non-UNICOR work assignment. The unit team considers this when developing the inmate's financial plan. An inmate working above the maintenance pay level who fails to make satisfactory progress on his or her payment plan is to be reduced to maintenance pay.

**[(4) The inmate will not be assigned to any work detail outside the secure perimeter of the facility;]**



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Additionally, inmates will not be permitted to participate in activities outside the secure perimeter, such as speaking engagements.

**[(5) The inmate will not be placed in UNICOR. Any inmate assigned to UNICOR who fails to make adequate progress on his/her financial plan will be removed from UNICOR, and once removed, may not be placed on a UNICOR waiting list for six months. Any exceptions to this require approval of the Warden;]**

The unit team may recommend an inmate for priority placement in UNICOR to assist in paying a significant financial obligation. Ordinarily, an inmate will not be recommended for priority placement unless he or she has obligations totaling at least \$1,000 and limited outside resources.

**[(6) The inmate shall be subject to a monthly commissary spending limitation more stringent than the monthly commissary spending limitation set for all inmates. This more stringent commissary spending limitation for IFRP refusees shall be at least \$25 per month, excluding purchases of stamps, telephone credits, and, if the inmate is a common fare participant, Kosher/Halal certified shelf-stable entrees to the extent that such purchases are allowable under pertinent Bureau regulations;]**

Inmates in IFRP "REFUSE" status will not be permitted to spend more than \$25 per month in commissary, excluding purchases of stamps and telephone credits. Staff will not approve any special purchase item request(s) for inmates in IFRP "REFUSE" status, except for purchases of Kosher/Halal certified shelf-stable entrees for those inmates verified as common fare participants.

**[(7) The inmate will be quartered in the lowest housing status (dormitory, double bunking, etc.);]**

**(8) The inmate will not be placed in a community-based program;]**

The unit team is to consider the inmate's participation in the IFRP as an important factor when determining Community Corrections Center (CCC) placement.

**[(9) The inmate will not receive a release gratuity unless approved by the Warden.]**



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When a non-participating inmate's need for funds is exceptionally great, the unit team may recommend to the Warden that a gratuity be given.

**[(10) [Reserved]]** (This section is reserved for future rule changes.)

**[(11) The inmate will not receive an incentive for participation in residential drug treatment programs.]**

Incentives are defined as early release, financial awards, maximum Community Corrections Center placement consideration, and local institution incentives. Staff are referred to the Drug Abuse Programs Manual, for limitations, guidelines, and eligibility criteria.

(12) The inmate's score on "Responsibility" on the Custody Classification form (BP-338), is to be zero.

9. **SENTRY REQUIREMENTS.** The unit team must enter an appropriate IFRP assignment into SENTRY no later than initial classification, update that assignment when the inmate's IFRP status changes, and review that assignment at least once every six months, particularly at the inmate's program reviews. The IFRP assignments are:

a. **"UNASSG."** "Unassigned" is automatically entered in SENTRY when an inmate is committed to federal custody. At initial classification, this assignment **must** be converted to another assignment, based on the payment plan developed by the unit team and the inmate's willingness to participate.

b. **"NO OBLG."** "No Obligation" is entered for an inmate when there is no documented financial obligation. This category is also used for an inmate who has no financial obligation payable while in Bureau custody (e.g., An inmate receives a \$50 assessment which the Judge remits or waives, and a \$2,000 fine due while on supervised release). "NO OBLG" will also be entered for inmates whose financial obligations have expired due to time limitations.

c. **"PART."** "Participates in Program" is entered for an inmate who agrees to pay, signs an agreement, and is making payments towards his or her financial obligation(s). In the case of initial commitment **only**, "PART" may be assigned to an inmate pending receipt of the first scheduled payment; however, that payment must be made **and** confirmed by staff within three months.

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For all other inmates, the status of "PART" is to be reviewed in accordance with the payment plan or, at a minimum, every six months.

d. **"REFUSE."** "Refuses to Participate in Program" is entered immediately when an inmate verbally refuses to participate in the program. Subsequent to the initial classification, at any time the unit team discovers the inmate is not making the agreed-upon payment(s), it is their discretion to place the inmate into IFRP "REFUSE" status and do the following:

- Notify the inmate of the change in IFRP status, once the change is made.
- Discuss with the inmate the consequences of being placed in "REFUSE" status, and that consequences will begin immediately.
- Unit Staff are to document that the inmate has been notified and counseled on the change of IFRP status in the Inmate Activity Record.

Each month, no later than five business days prior to payroll submission, the Institution IFRP Coordinator must produce a roster of inmates in "REFUSE" status and distribute it to:

- all Department Heads,
- the Associate Warden of Programs, and
- the Performance Pay Coordinator.

It is the Performance Pay Coordinator's responsibility to ensure these inmates do not earn above maintenance pay or earn bonus pay or vacation. Additionally, an inmate who is in "REFUSE" status and assigned to work more than one detail will not earn above maintenance pay for his or her total combined earnings from each work assignment.

Once an inmate has been placed in "REFUSE" status, the inmate must demonstrate a willingness to continue participation in the program.

e. **"EXEMPT TMP."** "Temporarily Exempt from Participation" will be entered for an inmate who is unable to participate adequately toward satisfaction of the obligation, ordinarily because of medical or psychological restrictions which prevent the inmate from working. This assignment may also be used for an inmate who is unable to secure employment in UNICOR or advance beyond maintenance pay due to conditions beyond the inmate's control (overcrowding, institution need, special circumstances, etc.).

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Additionally, at initial classification, the unit team may place newly committed inmates who have limited financial resources in IFRP "EXEMPT TMP" status until their first program review, when unit staff determine that the inmate has limited financial resources. However, in **all** cases, staff must also consider the inmate's ability to participate by using non-institutional (community) resources prior to placing the inmate in "EXEMPT TMP" status.

The unit team must review each inmate's "EXEMPT TMP" status at the inmate's program review. The Unit Manager will review and document the Unit Team's decision on the Program Review Report when the inmate is continued in this assignment.

f. **"COMPLT."** "Completed the Program" shall be entered for an inmate who has totally satisfied **all** financial obligations ordered payable during incarceration.

10. **MONITORING AND TRACKING REQUIREMENTS.** Unit staff are responsible for entering SENTRY data through the IFRP module and ensuring that an active contract exists for all inmates in "PART" status. Further instructions in data entry are available in the SENTRY Inmate Financial Responsibility Technical Reference Manual.

11. **APPEALS.** When an inmate's sentence of imprisonment is modified or corrected, absent any statement to the contrary in the new sentencing order, any existing court-ordered financial obligations remain in effect and should be collected pursuant to the provisions of this Program Statement. The provisions of this Program Statement also apply if an inmate is appealing his or her sentence, unless the court orders a "stay of collection" pending the appeal.

12. **WITNESS SECURITY CASES.** IFRP payments by Witness Security Cases shall be processed in accordance with this Program Statement.

13. **INSTITUTION SUPPLEMENT.** Each institution will develop an Institution Supplement to:

- a. Designate an institution IFRP Coordinator;
- b. Outline UNICOR priority placement;

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c. Explain any procedures necessary to develop or monitor the institution IFRP program; and,

d. Specify the date of the month on which the IFRP Refuse roster will be accessed for the purposes of ensuring that non-participating inmates are not receiving performance pay above the maintenance pay level.

A copy of the Institution Supplement is to be forwarded to the respective Regional Correctional Programs Administrator.

/s/

Kathleen Hawk Sawyer  
Director

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Attachment A

**AGREEMENT TO ADHERE TO INSTALLMENT SCHEDULE AGREEMENT FOR UNPAID  
FINES**

In accordance with 18 U.S.C., Section 3624(e), I agree to adhere to an installment schedule while on supervised release, for payment of the remaining balance on any fine relative to the offense under which I am committed. I understand the installment schedule for the payment of this fine will be established by the United States Probation Office responsible for my supervision subsequent to my release from incarceration. I also understand that failure to execute this agreement will prevent my release from incarceration.

\_\_\_\_\_  
NAME & REGISTER NUMBER (PRINT)

\_\_\_\_\_  
STAFF WITNESS (PRINT)

\_\_\_\_\_  
NAME & REGISTER NUMBER (SIGNED)

\_\_\_\_\_  
STAFF WITNESS (SIGNED)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

CC: Central File (Section I)  
Inmate Systems Manager (J&C File)  
Supervising USPO

# **EXHIBIT 1s**

DEVAA  
PAGE 001

\*

INMATE FINANCIAL RESPONSIBILITY  
DISPLAY INMATE FINANCIAL DATA

\*

03-2005  
09:34:12

REGNO: 03421-068

FUNC: DIS

NAME.: TAYLOR, KEVIN

G0002 MORE PAGES TO FOLLOW . . .

DEVAA INMATE FINANCIAL RESPONSIBILITY 03-03-2005  
PAGE 002 \* DISPLAY INMATE FINANCIAL DATA \* 09:34:12

REGNO: 03421-068 NAME: TAYLOR, KEVIN  
FRP ASGN: REFUSE DATE OF MOST RECENT PAYMENT: NO PAYMENT

-----MOST RECENT CONTRACT INFORMATION-----  
NUMBER: 2 DATE ADDED: 06-14-2002 BY: FTD  
STATUS: STOPPED REASON STOPPED: RELEASED

-----MOST RECENT PAYMENT PLAN-----  
INMATE DECISION: REFUSED 25.00 QUARTERLY TRUST FUND  
ANTICIPATED START: 09-2002  
REASON DECISION STOPPED: RELEASED  
FOR THE FOLLOWING OBLIGATIONS:

1

G0002 MORE PAGES TO FOLLOW . . .



REGNO: 03421-068 NAME: TAYLOR, KEVIN

-----ALL FINANCIAL OBLIGATIONS-----

OBLIGATION NBR	TYPE	AMOUNT IMPOSED	BALANCE	PAYABLE	STATUS
1	FINE	10000.00	10000.00	IMMEDIATE	WAIT CTRT

G0000 TRANSACTION SUCCESSFULLY COMPLETED